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HUMAN RIGHTS IN PERU

ORIGINAL

HEARING

BEFORE THE

SUBCOMMITTEES ON

HUMAN RIGHTS AND INTERNATIONAL
ORGANIZATIONS

AND ON

WESTERN HEMISPHERE AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

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HUMAN RIGHTS IN PERU

WEDNESDAY, NOVEMBER 13, 1985

HOUSE OF REPRESENTATIVES, COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEES ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS AND ON WESTERN HEMISPHERE AFFAIRS,

Washington, DC.

The subcommittees met at 4 p.m., in room 2172, Rayburn House Office Building, Hon. Gus Yatron (chairman of the Subcommittee on Human Rights and International Organizations) presiding.

Mr. YATRON. The subcommittees will come to order.

The Subcommittees on Human Rights and International Organizations and on Western Hemisphere Affairs meet this afternoon to hear testimony from administration officials and private witnesses regarding human rights and political developments in Peru.

One of the poorest countries in South America, Peru is at a crossroads in its political and economic future. A successful election campaign free of fraud produced a victory for 36-year-old Alan Garcia, who became President on July 28. President Garcia has taken immediate steps to address the economic ills confronting Peru and is also seeking to eliminate corruption and human rights abuses in the Peruvian military and police forces.

President Garcia's efforts to bring stability to Peruvian society are threatened in part by the continued brutal terrorist activities of the guerrilla movement called Shining Path or Sendero Luminoso. This insurgency has no legitimate political base and is responsible for much of the bloodshed which has plagued the people of this poor Andean nation.

The threat posed by the Shining Path has provoked a strong response from Peru's military which has exacerbated tensions and brought death and repression to certain regions of Peru's poor civilian population. Since December 1982, three departmental zones of Peru have been under the political and military control of the armed forces. It is in this region, which has been declared a state of emergency zone, that massacres and torture inflicted by the Peruvian Security Forces on innocent people have been reported. Amnesty International estimates that over 1,000 people have disappeared in this emergency zone.

President Garcia's predecessor apparently did not exercise sufficient authority over the military to control its excesses. The new President, however, is in the process of instituting essential military reforms through a major moralization campaign. He has confronted security forces with reports of atrocities, initiated investiga-

tions, and actually relieved military personnel in connection with these acts.

He has also moved aggressively against the illicit drug trade and to reduce corruption in the national police force. It is important for the United States to support President Garcia's efforts to discipline the military, address Peru's serious economic problems, reduce drug trafficking, and stabilize the country's fragile democratic institutions. Peruvian Security Forces must understand that U.S. military aid is conditioned on respect for human rights. Despite President Garcia's occasional misguided statements against the United States, the Reagan administration needs to demonstrate a stronger public commitment to the new Peruvian Government that will strengthen the civilian administration's authority over the military.

At this time, I would like to say that, the Honorable Mike Barnes, who is cochairman of this hearing and chairman of the Subcommittee on Western Hemisphere Affairs, has a conflict and will not be with us at the start of the hearing, but will try to be in attendance a little later on.

At this time, I would like to call on the ranking minority member of the Subcommittee on Western Hemisphere Affairs, Congressman Bob Lagomarsino.

Bob, do you have an opening statement?

Mr. LAGOMARSINO. No, Mr. Chairman.

Mr. YATRON. Thank you.

I am pleased to welcome our first witness, our distinguished colleague and former chairman of this subcommittee, the Honorable Don Bonker.

Don, we welcome you and look forward to hearing your statement.

STATEMENT OF HON. DON BONKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. BONKER. Well, thank you, Mr. Chairman. I welcome the opportunity to offer some thoughts on Peru and I want to commend you for conducting these hearings. I know your decision to do so was in part a result of my request, and I apologize. I may not be able to stay for the duration of the hearing. I shall not be long in making my statement, Mr. Chairman, because you have witnesses that have far more expertise.

I led a delegation to South America in January of this year and Peru was on our schedule. I have had the opportunity subsequently to be in that country and spend several hours with the President-elect at that time, Alan Garcia.

As you know, I maintain a strong interest in human rights, so I devoted much of my time while in the country talking with human rights groups and attempting to get a better assessment of the situation there.

I really came away agreeing with the America's Watch report in 1984 on human rights in Peru, which described the situation in its title, "Abdicating Democratic Authority." Of course, at that time President Belaunde was presiding over the Government, and I found him to be a very decent, honest, totally committed person,

but one who really was out of touch with the economic and political realities that beset the country.

In 1985, we found that the political scene was very delicate and transitional, and really made a very difficult time for us to evaluate the human rights situation. We knew of the abuses, we had read the reports, we talked firsthand with people there, but we also were aware of the military excesses in trying to deal effectively with those problems.

But Peru is beset with so many economic and political problems I just don't know how this new President is going to effectively deal with them. We are familiar with the economic situation, the indebtedness, the new economic policy, which is a direct affront to the IMF [International Monetary Fund], 200-percent-plus inflation in the country, the 70-percent unemployment, and it goes on and on. And unless the newly elected President can deal effectively with the economic situation, I am not sure he is going to have sufficient time and resources to deal with the other problems, but we also found that the drug problem was very severe, was a principal source of cocaine which finds its way eventually into the United States.

I think, anyone who is familiar with the political scene and Alan Garcia's statements and policies since he has been in office can only be impressed with his boldness, his grasp of the issues, his willingness to take on the political forces in that country, I might add much to the endangerment of his own personal safety given the volatile situation that exists there.

This group that is known as the Shining Path, or the Sendero Luminoso, is more than just an insurgency movement in the country. It is not like one would find in El Salvador, which is plagued with a civil war, or in some of the other Third World countries where you have an indigenous group that has a political purpose that is attempting to confront the government.

The Shining Path is a band of terrorists that are fully committed to violence and killing rather indiscriminately. Their only purpose seems to be one of disruption of political stability and it has been pretty much concentrated in the rural areas, but now is moving into the cities.

I would hope that our policies and this administration's relationship with President Garcia would be placed into a constructive context so that we can encourage his efforts to deal with the human rights problem there. We start with terrorism, and we end up with the human rights problem if the military and security forces are not held in check.

President Garcia's response to this September's massacre which involved the killing of some 60 peasants by the military, in a small town south of Lima, was to actually dismiss the three highest ranking officials in the military, including the president of the Armed Forces Joint Command, and to announce that soldiers implicated would be prosecuted.

I think President Garcia is fully committed to justice in that country and that means that he is able to confront the military and the security forces. If they don't adhere to human rights standards in the prosecution of the terrorists, he is willing to dismiss them, and I might add, at some considerable political peril, since

the military in the past has demonstrated it will not hesitate to take over as they did in Belaunde's first term. It might also be added that Alan Garcia's father was arrested and imprisoned for 8 years by some of the same military leaders that he is willing to confront. So I think the new President has demonstrated a great deal of political nerve and he is deserving of our support.

I notice that when the foreign aid bill was before this committee, we added some language concerning the human rights situation in Peru, and called upon President Reagan to give the Congress a certification as to the situation there and possibly tie IMET [International Military Education and Training] programs to that. We certainly want to be consistent with the application of our human rights standards and policies, but I am hopeful that this committee will provide the encouragement and support to this newly elected President so he can deal with the multiplicity of problems that beset Peru.

I know that we are going to be hearing from other witnesses that will provide more detailed information about human rights conditions there. Incidentally, I have prepared a report, as a result of my visit there, on the human rights situation in Peru and I would like to offer that for the record.

Mr. YATRON. Without objection.

Mr. BONKER. Thank you, Mr. Chairman, for extending this opportunity.

[Mr. Bonker's prepared statement follows:]

PREPARED STATEMENT OF HON. DON BONKER

[This statement is excerpted from a report prepared by the Hon. Don Bonker on a Congressional Study Mission to Latin America in January 1985]

The October 1984 Americas Watch report on human rights in Peru aptly describes the situation in that country in its title: "Abdicating Democratic Authority."

On our January 1985 trip to Peru, we found the political scene delicate and transitional, making a good evaluation of human rights difficult. There are definite human rights abuses and the conditions there are deteriorating as terrorism expands. Yet, effectively checking military excesses is illusive and improbable as the country is about to change political leadership later this year.

The political problem is exacerbated further by both a worsening of economic conditions in Peru and joint U.S.-Peruvian efforts to combat narcotics trafficking, which is a major concern to both countries. An additional factor complicating the consideration of human rights in Peru is that unlike several other Latin American countries we visited, Peru lacks a broad-based, non-governmental organization dedicated to documenting abuses and promoting respect for human rights.

The delegation spent considerable time with President Fernando Belaunde Terry, who is completing his second term in office after being exiled by the military junta from 1969 to 1979. He is one of the few elected leaders in Latin America who is deeply committed to democracy and human rights. But Belaunde's frustration with the terrorism problem has resulted in the military's stepped-up activities to take matters into their own hands. Thus, there exists today too little accounting to civilian authorities for the military's excesses. The establishment of a security zone by the government in December 1982 has, in effect, subverted local government in thirteen provinces.

Whatever his predisposition to human dignity, President Belaunde has clearly been unable to contain the terrorist impulses and human rights abuses which threaten his country. With military leaders assuming greater responsibility in

the emergency zone, and particularly in the Ayacucho region, it will be increasingly difficult for the next elected President (presumably Alan García, the candidate of the American Popular Revolutionary Alliance Party - APRA) to assert his authority. Indeed, failure to establish and maintain civilian control over the military could further jeopardize democracy in Peru.

Any assessment of the human rights problem in Peru must begin with the Sendero Luminoso (Shining Path), a terrorist group whose origins date to the early 1970's. The Sendero movement, which began its "guerrilla war" in May 1980 as the country began its return to constitutional democracy, is based in Ayacucho. This area, some 200 miles southeast of Lima, is one of the poorest and most neglected in the country. Composed predominantly of Quecha Indians, of which some seventy percent are farmers, the annual per capita income in Ayacucho is about \$60, or less than one-tenth of that for the country as a whole. The illiteracy rate there is exceptionally high for Peru: more than 55%. Being located in the same vicinity as some of the coca producing areas, there is some evidence of collaboration between the coca producers and the Sendero terrorists for mutual protection against the army, police units and narcotics agents.

The Sendero is made up of relatively young activists, many high school and university students, who consider themselves Maoist, though they appear to have no particular ties internationally. Their tactics often invite the comparison to those of the Pol Pot regime in Kampuchea. Indeed, the Sendero terrorists are so extreme and violent that most other leftist, terrorist organizations in the world will not affiliate with them. Led by a former philosophy professor, known as Comrade Abimael Guzman, they have managed to exploit the misery and alienation in the region and have greatly expanded their operations in recent years. Their appeal is enhanced by the historic hostility of the Quecha towards the urban centers along Peru's coast. Estimates of the Sendero's adherents vary widely, from 500 to 2,000, although recent Peruvian Government figures place the number as high as 7,000.

Both government and human rights groups estimate that approximately 4,500 persons have died or disappeared since 1980; however, sharp differences exist between the Government and human rights groups as to who is responsible for the victims. Dr. Luis Percovich Roca, the former Interior Minister and presently Prime Minister and Minister of Foreign Relations, gave us this breakdown: 2,000-2,200 campesinos (peasants) have been killed by terrorist and allied groups; and 2,200 have died in incidents between terrorist and security forces.

Resident human rights groups gave us a different accounting, but did not provide us with a statistical breakdown. They referred to the Attorney General's report, which listed up to 2,000 as disappeared, but pointed out that subsequent documents have contradicted this report. They maintain that Peruvian Army and police forces are responsible for far more than the victims claimed by Minister Percovich.

Regardless of the way in which the numbers are compiled and reported, the death rate for a country the size of Peru, with a population of some 19 million, is significant. Reports of torture, mass graves, clandestine prisons, and the blowing up of 465 transmission towers, plus an assortment of other violent activities, cast a dim light on Peru's future and may rank it among the more troubled countries in 1984. Our last evening with President Belaunde was noteworthy in one particular regard. On our departure an aide brought him a report on the death of two young security guards killed when a transmission line was blown up earlier that evening. Visibly shaken by the incident, President Belaunde wearily noted that such reports are common. It was a sobering end to an otherwise enjoyable evening, and served as a reminder of Peru's questionable fate as it attempts to move towards full democracy.

In our meeting with Minister Percovich, we were informed that terrorism had been brewing in Peru for some 12-15 years before President Belaunde's election, as a result of prolonged military rule. At first, local police units were used to subdue the terrorists, but eventually they proved inadequate to the task. In January 1983, the armed forces were brought into the Ayacucho region, a move supported by the United States. In July 1983, the armed forces were given full control of the political and security functions of the area, while the police were withdrawn to the cities. He said that incidental deaths were not officially sanctioned, and that it is not Government policy to allow the security forces to act in this manner. In these individual cases of abuse, the Government has pursued prosecution through the judicial system. He added that the Government has invited the U.N. Human Rights Commission to Peru to investigate the situation. According to the Minister, the matter is complicated because those involved in narcotics trade are co-existing with the Maoist Senderos. The army had encountered problems with the anti-narcotics enforcement effort, thus temporarily suspending the U.S.-Peruvian Task Force program in the area. He admitted to coordination problems, but said the anti-narcotics program has since been resumed.

Minister Percovich told of another terrorist group, the Tupac Amaru, eight of whose members were recently apprehended in Cuzco. This group, he observed, is completely different from the Senderos, and seems to be descended from the type of Cuban-backed guerrilla movements active in Peru in the early 1960's. The foreign supplies seized in conjunction with the arrest, he noted, established that the Tupac Amaru has ties to Cuba and Nicaragua. (The U.S. Embassy in Lima has no evidence of collaboration between the Senderos and Tupac Amaru, but believes there is some competition between them.)

Rep. Crockett asked the Minister for a precise definition of terrorism. He questioned whether the Government's definition (embodied in Anti-Terrorist Law 46) weren't so broad as to permit censorship of the press and affect the free exercise of other democratic rights, such as freedom of assembly. (Legal decree 46 generally defines terrorism as provoking fear or terror among the general population; destroying public or private buildings, highways, communications facilities or pipelines; committing acts that endanger the life, health or the possessions of other people; making, acquiring or storing firearms, explosives or their ingredients; adversely affecting international relations or the security of the state; forming part of a band of three or more people who utilize terrorism to accomplish their objectives; using the news media to incite people to terrorism; and speaking out publicly in favor of an act of terrorism or a terrorist.) The Minister referred to Legal Decree 46, which, he believes, properly defines terrorism. He maintained that the Government had been extremely careful in exercising its authority under this law so as not to abuse press freedoms or other civil liberties.

Chairman Bonker had the opportunity to meet with representatives of several human rights groups who are located in Peru, including Gradley Hall of the Ford Foundation, Father Thomas Burns, Patricia Valdes of CEAS, and Pablo Rojas of the Peruvian National Human Rights Commission. They characterized the human rights situation as rapidly deteriorating and pointed to the country's growing economic problems as a primary reason. They also said that some of the Sendero units are private armies funded by drug dealers, which complicate efforts to deal effectively with terrorism. The Government's response to terrorism, they said, has resulted today in what they describe as Government-sponsored "military dictatorship" in thirteen provinces. They maintained that few armed confrontations have occurred; mostly it is the security forces which, following

information gained through informants, simply invade villages, find terrorists, and sometimes engage in summary executions on the spot.

During this meeting, several references were made to "General Goucho," who apparently is a former Minister of War and retired commander General Luis Cisneros, the officer in charge of the security forces. He has been quoted as saying, among other things, that the army must combat terrorism with terrorism. These groups allege that no information exists on the number of casualties or who the disappeared or dead are. Local peasants have testified that no confrontations have occurred between security forces and terrorists -- just "invasions" and "executions" by the military.

According to this group, the Government has been "cynical" and "unresponsive" to their requests to discuss human rights violations. The joint command of the Peruvian armed forces has refused to discuss these matters with human rights organizations. They also noted that Americas Watch representatives met with APRA presidential candidate Alan Garcia, but he apparently will not make human rights an issue in his campaign because it would be "destabilizing." Meanwhile, the Government is spending more on the military (which now receives about one-fourth of the national budget), and is "traumatized" by the generals. It is their hope the new government will respond more positively and make human rights a major priority when it takes office.

Pablo Rojas of the Peruvian National Human Rights Commission gave us this summary:

1) The economic conditions in Peru are worsening with ominous effects on a poor and alienated population, which may find the Sendero and other such groups more appealing;

2) As terrorism spreads and threatens more of the society, there is a growing tendency to get tough with those responsible. This attitude encourages the military to "do it their way," and causes public confidence in civilian institutions to evaporate;

3) Given an insecure citizenry and the uncertain political climate, increased militarization is bound to occur. This is already happening by the designation of military control over certain geographic areas, the judiciary side-stepping jurisdiction in cases involving terrorists, and the public ministry (Attorney General) responsible for the protection of civil rights being neither well-informed nor willing to act decisively; and

4) The solution must include a deferral of debt payments, additional funding for economic and development programs, strengthening democratic institutions, and making the military fully accountable to the elected president.

On January 31, the Department of State is required by statute to submit to the Congress the country-by-country human rights report, which will provide an official account of the conditions in Peru. In addition to the Americas Watch report, Amnesty International, the International League for Human Rights, the Washington Office on Latin America, and other human rights monitoring groups are likely to comment on the situation in Peru. The U.N. Commission on Human Rights team is scheduled to visit Peru this month.

These reports will undoubtedly raise serious concerns about the deteriorating state of human rights in Peru, and will present a tough indictment for a civilian government headed by a humane and decent president. President Belaunde is not directly responsible for the military's excesses, but as Americas Watch properly points out, there has been and continues to be an abdication of responsibility by not keeping the security forces accountable and requiring that the prosecution of the terrorists be consistent with legal and democratic processes.

The critical questions are still ahead. First, how will the newly-elected president deal with the twin issues of terrorism and human rights abuses. If the present Government has "abdicated" its responsibility, then the next president must choose a different course or the overall situation will worsen.

Second, the relationship between civilian rule and the military must be dealt with immediately. Garcia is young (35) and untested. For this and other reasons it will be difficult for him to check military excesses, thereby possibly setting the stage for a major showdown over who will run the country.

Third, the country's economic condition is worsening. If the IMF program and other austerity measures, so necessary at the present time, are to be implemented, the consequence is clearly more hardship for the vast majority of the population. This, of course, will ripen the opportunities for the Senderos and similar groups which will eagerly exploit the country's economic plight and gain greater support for their alternative program.

Set against the political and economic climate in Peru, the human rights problem poses a formidable challenge for U.S. policymakers. Do we criticize Peru for human rights abuses at such a politically delicate moment, risking a return to military rule? Is it timely to threaten to cut-off foreign assistance

programs when the country is in such serious need of economic stability in order to dampen the appeal of radical alternatives? Can we afford to ignore human rights violations even if it is a civilian and benevolent government which is attempting to handle a serious terrorist problem?

Given these circumstances, the most prudent policy is to refrain from reducing foreign assistance to Peru for the moment, but, at the same time, to report human rights violations and express our serious concern about them both openly and privately. In addition, but of no less importance, we should press for and lend our support to efforts by the current and future government to assert civilian control over the military so as to assure that the anti-terrorist campaign is conducted in accordance with accepted democratic legal procedures.

Mr. YATRON. I thank you very much, Don, for your very important statement and also for your leadership in this particular area. I know that time is limited, but if you are able to join us on the dais, you are certainly welcome.

When you were on your trip, did you have an opportunity to have discussions with some of the top military officials, and were you able to convey to them our concerns over human rights?

Mr. BONKER. Well, on both occasions when I was in Lima, the closest I got to the military is when President Belaunde took us to his beach house out on the coast, which happened to belong to the Navy or the Air Force, I can't remember which. We did not seek nor did we have an opportunity to talk directly to military leaders in the country, though we did meet for 1½ hours with Interior Minister Percovich to discuss human rights and conveyed to President Belaunde our concern about military excesses. I think he was somewhat apprehensive about confronting them with these problems.

Frankly, he was personally distraught over what was going on in the country. I remember after we had dinner with him one evening, we were walking down the steps of the palace and an aide brought up a message and he read it and he was genuinely saddened because it was another report that several citizens were the most recent victims of these terrorist groups and one could sense the concern, but also his inability to deal with it because I think he was unable to confront the military.

But I think it is an entirely different situation today. I think Alan Garcia has received a mandate. He is young; he is tough. I think he knows how to exercise the power that he has as President and the very fact that he was able to dismiss three of the top leaders in the armed forces because of those excesses, I think, was a critical test. In fact, one of the great concerns that I had with Garcia is when the chips were down, could he stand up to the military?

In the past, the Joint Chiefs of Staff have not hesitated to step in if they felt that the civilian Government was not doing things their way. So Alan Garcia has really met that challenge and he has now prevailed and he should be unquestionably in charge in that country. As a result, if there is a deterioration of human rights conditions, if things worsen in the country, it will be Alan Garcia and not the military who will have to assume the responsibility.

Mr. YATRON. Thank you very much. Again, I thank you for being here today.

Our next witness is the Honorable Elliott Abrams, the Assistant Secretary of State for Inter-American Affairs, accompanied by James Thyden, Director of the Office of Human Rights.

Mr. Abrams, congratulations on your new position. We look forward to hearing from you.

STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, ACCOMPANIED BY JAMES THYDEN, DIRECTOR, OFFICE OF HUMAN RIGHTS

Mr. ABRAMS. Thank you, Mr. Chairman.

I wanted to thank you, also, for the delay in scheduling here. We had talked about this a while ago and I was in the middle of changing jobs and had asked if you would put it off as a favor to me, in part, and I want to thank you for agreeing to that.

I appreciate your invitation to review with you the human rights situation in Peru. Both the country and the topic are important, and there are many developments to discuss. In our bilateral relations there are many unresolved issues relating, for instance, to the new Government's confrontational policy on debt. The rhetoric coming from Peru has been excessive. This prepared statement, however, deals just with the human rights question and its general setting; it does not attempt to cover all the many topics in United States-Peruvian relations.

In office only 3½ months, Peruvian President Alan Garcia has taken swift action to stop and prevent human rights abuses. This is not surprising. Issues related to human rights have concerned Peruvians across a broad political spectrum for some time. Progress has been uneven and at times difficult to analyze because of terrorism. But I can report that Peru today is a nation striving to protect and promote human rights.

Alan Garcia's inauguration on July 28 as President of Peru marked both a personal triumph for him and a victory for the American Popular Revolutionary Alliance [APRA], which, despite considerable influence during its 61 years of existence, had never occupied the country's highest elective office. Peru's democratic development was solidified that day in another sense as well. For the first time in 40 years, a democratically elected President, Fernando Belaunde, transferred power to a democratically elected successor. We applaud that achievement, and congratulate the Peruvian people for their success in building democratic institutions.

The military regime which ruled Peru from 1968 to 1980 came to power claiming it sought to modify social structures to include greater opportunities for social, economic, and educational advancement for the masses. President Juan Velasco increased the role of the state but failed to develop effective popular participation. This contributed to many of the difficulties Peru faces today.

The statism of the Velasco period proved particularly damaging. Centralization hastened migration from rural to urban areas, greatly increasing unemployment in the cities. Meanwhile, neglect of the countryside provided fertile grounds for communism and terrorism. The failure to generate new economic growth contributed directly to Peru's current serious debt situation.

The now entrenched Soviet presence in Peru also dates back to the early 1970's when the military turned to the Soviet Union for equipment and the technicians to service it.

The Velasco regime, moreover, was unstable because it lacked electoral legitimacy. Realizing this, acknowledging the failures of the military government, and acceding to the democratic yearnings of the Peruvian people, Gen. Morales Bermudez organized fair and competitive elections for a constitutional assembly, then relinquished power when in accordance with the constitution the people chose a new President.

Fernando Belaunde Terry, who won those elections in 1980, identified closely with the ideals of democracy. He was responsible for

the restoration of the many civil liberties enjoyed in Peru today, including a free, uncensored press. Having turned over power, Peru's military leader showed restraint and maturity and continued to support the fledgling democratic government as it faced its daunting challenges. In this respect the military of Peru must be praised.

Belaunde's 5 years in office were not easy. His administration saw an intensification of the economic crisis, brought on by falling export commodity prices combined with devastating natural disasters, and by the terrorism of the brutal Sendero Luminoso, or Shining Path guerrilla movement. Diverting resources and entangling the Government authorities in an elusive guerrilla war, the struggle with the Sendero Luminoso became a thorn to the Belaunde administration and to Peruvian society.

As terrorist and counterterrorist activities spread, so too did the concern for human rights in Peru. Allegations of human rights abuses multiplied. The number of alleged disappearances mounted. International organizations monitored the situation. But so too did the Peruvian people. It is apparent that ending the violence is a general concern throughout the country.

Alan Garcia took office with more electoral support than any President of Peru in decades, and his first steps in office have earned him unprecedented popularity—85 percent in some recent polls. Moreover, APRA has a majority in the Peruvian Legislature, so that President Garcia has a good chance to obtain legislative backing for his program. Every bit of this broad support will be needed as Garcia faces the daunting agenda he inherited.

Immediately seizing the moral high ground, Garcia began a forceful campaign against corruption and moved quickly to implement his oft-repeated pledge to eliminate human rights abuses. He has acted to improve an overloaded judicial system and overcrowded penal institution, and to grapple with continuing acts of violence from Communist terrorists and narcotics traffickers. Pledged to wage war against narcotics trafficking, President Garcia scored immediate notable successes by participating in Operation Condor, a highly successful joint drug interdiction program with Colombia and the United States.

President Garcia has also begun an economic program which, although still incomplete, begins to confront a dismal economic situation. GDP [gross domestic product] per capita today expressed in constant dollars is no better than 1965 levels. Inflation, unemployment, poor health and education standards, and the forgotten rural poor are but some of the issues Alan Garcia addressed at his inauguration, which I attended. If not dealt with firmly, this situation augurs further decline in a country already in the grips of poverty.

Since Peru began to implement a nationally defined austerity program, inflation has slowed perceptibly, but it is too early to assess future results.

Part of Peru's economic difficulty is its heavy debt burden, a problem Peru shares with other countries of the hemisphere. How to deal with debt is a vexing problem without ready or quick solutions but with much room for arguments and misunderstandings. An overly rhetorical approach could hinder practical cooperation:

The new Government's rhetoric has given us cause for concern in this regard.

In the early months of his administration, President Garcia and some members of his government have been quick to publicly blame the United States for Peru's problems. These unpleasant words have been puzzling to us and in some instances made cooperation more difficult. Nevertheless, we will continue to seek ways to advance our common concerns, including—and here I want to emphasize—the desire to see the country return to healthy economic growth.

We believe the U.S. proposal for a program for sustained growth, presented by Treasury Secretary Baker at the Seoul IMF/World Bank meeting, involving increased commercial bank lending, enhanced international financial institution effectiveness, and structural change in the economies of the principal debtors, offers a concrete manner to cope with the debt problem. In our view, this program has elements which can appeal to Peru. It is clearly in our national interest to pursue with the Government of Peru a serious and quiet dialog on how we can cooperate to help restore economic growth.

As we evaluate the first steps of the Garcia administration we must keep in mind that none of Peru's long festering problems has disappeared. Finding the solutions to Peru's dramatic plight will not be easy for Peru or its new President. Perhaps the most positive change brought about so far by President Garcia is psychological. Peru, once the seat of the Inca empire, is a country with a history. What Alan Garcia has said to his people is that Peru is also a country with a future. He has helped Peruvians to believe their situation is not hopeless, that they can improve their and their children's lot. We applaud his efforts to reenergize the country and restore its will. We are prepared to assist Peru where we can be helpful.

Turning specifically to civil and human rights issues, allow me to review for you some key areas of concern and actions taken thus far by the Garcia administration.

With regard to civil rights, the overall situation is excellent. Notwithstanding terrorist violence against the elections, including the attempted assassination of the president of the National Electoral Board, the campaign and the April 14 elections proceeded without significant irregularities. Over 90 percent of eligible Peruvians went to the polls electing as their President the candidate of the center left Aprista Party, as well as a Congress whose membership ranges from Conservative to Communist. The elections and peaceful transfer of power represent a triumph for democracy, as well as for the departing Belaunde administration, which had made this a key goal.

The media takes a lively role in political debates. The press is particularly sensitive to reports of human rights abuses, calling for investigations of allegations and punishment of responsible individuals. Freedom of the press was further strengthened by the administration's recent repeal of the law of contempt under which some journalists had been charged in previous years.

The Peruvian Government has maintained a state of emergency in 24 provinces where terrorists and narcotics traffickers are espe-

cially active. The state of emergency gives total authority to the military in those areas and suspends the constitutional requirement for search and warrant to enter private homes, restricts freedom of movement and freedom of assembly, and effectively suspends habeas corpus. President Garcia has stated that, for the time being, conditions are not right for lifting the state of emergency. Despite concerns about the limitations on normal protection rights, he renewed the state of emergency for 60 days. These are severe measures, but the terrorism and narcotics problems are so serious they could destroy the entire fabric of Peruvian society.

Violence and killings, many with apparent political motivation, remain serious problems in the Ayacucho and Upper Huallaga emergency zones. The Sendero Luminoso has continued its program of vicious killings in both emergency zones, targeting recalcitrant campesinos, civilian officials, and members of the police and security forces.

The situation in Tingo Maria in Upper Huallaga is further complicated by the presence of unscrupulous narcotics traffickers, who periodically settle accounts by force with each other, as well as with law enforcement officials. Attributing responsibility for acts of violence in these areas is difficult since traffickers attempt to pin the blame for murders on the terrorists and vice versa. But whatever their motivation and whoever perpetrates them, the U.S. Government condemns this violence. Shining Path terrorists have also carried out numerous assassinations and a policy of indiscriminate car bombings in urban areas, especially in the Lima area, which is home to nearly one out of every three Peruvians.

Another terrorist group, the urban based Movimiento Revolucionario Tupac Amaru (MRTA), announced a temporary truce with the Garcia administration, saying it would wait to judge the actions of the new Government, but vowed to continue its struggle against imperialist enterprises. Last week the MRTA reportedly claimed responsibility for a bomb hurled in front of our Embassy and for a car bomb set off in front of the Citibank in Lima. A communique threatening the beginning of a countdown unless the Government carries out change, suggests that despite the vigorous actions of the APRA Government, the MRTA may be close to reinitiating armed activities against the Government.

Political killing is a policy of neither the current Peruvian Government nor its predecessor. Nevertheless, there is abundant evidence that in the face of brutal terrorism some in the security forces have responded with excessive violence of their own. Peruvian Government investigations revealed the extrajudicial killings in August of 7 persons in Pucayacu and at least 40 more in Accomarca.

In addition, there are allegations that local self-defense groups, sometimes created by the security forces, sometimes not, have killed or tortured alleged terrorists they have captured. One news magazine reported the lynching deaths of two alleged Sendero Luminoso members in Marcas, Huancavelica, on August 29, following a Sendero Luminoso raid that killed six villagers.

The new Government moved swiftly to halt these extrajudicial killings. Following the allegations of violations in Pucayacu and Accomarca, the Garcia Government ordered expedited military in-

vestigations. When the investigation revealed the involvement of three military members in the Pucayacu slayings, President Garcia removed the Armed Forces Joint Command Chief, Gen. Cesar Enrico. After subsequent revelation that military members were also responsible for the Accomarca massacre, Garcia ordered two high ranking army generals responsible for the Ayacucho emergency zone, Generals Jarama and Mori, relieved of their commands. The Peruvian military had identified eight persons directly responsible for the Pucayacu and Accomarca deaths. They have been charged in both the military and civilian court systems. The Supreme Court is to decide final jurisdiction.

The public has applauded Garcia's response as courageous and correct. While holding senior officers responsible for errors within their commands, the civilian Government has also sought to distinguish the military as an institution from possible crimes committed by individual members.

Alleged disappearances decreased markedly between January and July 1985 according to preliminary data assembled by the Independent Human Rights Commission [CONADEH], and confirmed by the Catholic Bishops Social Action Commission [CEAS] and the Association for Human Rights [APRODEH]. Reported disappearances totaled 40 in January, 62 in February, 30 in March, 25 in April, 18 in May, 4 in June, and 2 in July, for a total of 181.

The Peruvian Attorney General recently visited Ayacucho and returned with 1,300 files of individuals reported missing in the past 4 years. He has publicly committed himself to study each case carefully. Again, the new Government of Peru has made clear its view that the counterterrorist fight must be waged with respect for law and human rights. We applaud that commitment and will continue to monitor the situation carefully.

Both the Belaunde and Garcia administrations have rejected the use of torture. However, security forces reportedly tortured Pucayacu victims as well as those in Accomarca, where witnesses allege that soldiers raped several women before shooting and burning some 40 victims.

Independent human rights groups remain concerned about mistreatment of prisoners. The rapid increase in the number of detainees has led to severe overcrowding in prisons and has exacerbated sanitary and nutrition problems in these institutions. Recent rioting at the Lurigancho Penitentiary caused 30 deaths and several injuries to inmates and the police. The Government stated that the riots started while it was seeking to establish control over the cell blocks where the terrorists were held and were believed to be arming themselves for an escape. It offered persuasive evidence that, of the 30 killed, 26 burned to death in a fire set by other inmates and that the police had not abused their authority.

The Garcia administration has already signaled its indignation with regard to prison conditions, although lack of resources continues to be an impediment. The Government of Peru hopes to ameliorate this problem by speeding up the trial process for prisoners, but this, too, is hampered by lack of resources in the court system. The reform of Peruvian police services, which President Garcia has ordered in an effort to correct police corruption and abuses, also

should have a positive effect on treatment of detainees. Over 56 police generals and 170 other officers have been dismissed.

In his inaugural address, the President indicated that persons erroneously sentenced or accused of terrorist activities should be freed. President Garcia has steadfastly denied that there are political prisoners in Peru. The new Government has indicated that it is appalled by the large number of persons in jail awaiting trial or final sentencing—approximately 15,000 of the 22,000 prisoners. Accused criminals frequently are detained for 2 or 3 years pending trial.

In September, the Government of Peru ordered 50 prosecutors to report for extra duty at one prison in order to speed up the trial process. One of the duties of the recently announced Peace Commission will be to study possible pardons for individuals improperly imprisoned in the past.

The Government of Peru has also acknowledged the need for judicial reform to speed up the trial process, and is working on legislative proposals in this area. Our Embassy officials have met with Ministry of Justice representatives to discuss possible U.S. Government support for an Administration of Justice project, under the authority provided in the 1985 amendments to the Foreign Assistance Act.

Our AID [Agency for International Development] mission in Lima has been authorized to finance an assessment by a local institution of the Peruvian justice system as the first step toward developing the project that can support this important initiative by the Government of Peru. Also, in an interesting pilot program, the Government of Peru has opened free legal clinics in poorer neighborhoods of Lima.

The human rights situation in Peru is closely tied to terrorism and the Government of Peru's response. To the extent the Government of Peru can carry out an effective counterterrorist policy, this will also contribute to improving the human rights situation. The new Government of Peru's new strategy contains several elements:

Continued military efforts against terrorists' rural bases in the emergency zones, but with increased emphasis in the wake of the Pucayacu and Accomorca incidents on preventing abuses by security forces.

Increased economic assistance to the emergency zone area. In addition, the Ayacucho region should benefit from the Government of Peru's general policies that aim to benefit the poor and the rural areas.

While refusing negotiation with terrorists, the Government of Peru in September established a Peace Commission composed of six nongovernment individuals, including a member of the Catholic Church hierarchy. The commission will seek to establish a dialog with terrorists with a view to reincorporating them into a democratic society, and will study questions of pardons and amnesty.

To conclude, we believe that events in recent months indicate improvements in human rights in Peru. Although significant problems remain, we are encouraged by the firm resolve of the Garcia administration to identify and confront them. Nevertheless, the major source of abuses—terrorist violence—continues and probably cannot be controlled in the short term. We believe the Garcia ad-

ministration's initial efforts to address these issues are praiseworthy and deserve the support of the U.S. Government and the international community.

Mr. YATRON. Thank you very much for a comprehensive statement. How stable are Peru's democratic institutions? Can President Garcia and Peruvian democracy withstand the challenges presented by the Shining Path, the narcotics problem, a restless military, and economic ills? Which of these four factors represents the greatest threat to the country's political stability?

Mr. ABRAMS. That is really the \$64,000 question. Peru does not have, as we noted, a long history of extensive, long-lived democratic regimes. They haven't had this kind of democratic transition in almost half a century.

On the other hand, there is a very strong desire in Peru for this Government to work and for it to be successful. There is no desire on the part of the people for the return to military rule. President Garcia remains tremendously popular.

One way of answering that I guess is to ask what would be the preconditions that would convince the military that they could move in a coup? And I guess the short answer to that is chaos, chaos that would be created by some combination of, on the one hand, economic collapse, and, on the other hand, violence caused by the terrorists and narcotics traffickers together. If you had an increase in disorder, a tremendous increase in violence on the one hand and sort of economic collapse, tremendous unemployment, inflation, that sort of thing, on the other, you might find people losing faith in the Government. You might find the military deciding they could move again.

Let me say first that our own position on that is now and would be clear, which is that there are no circumstances under which we would do anything but give our full support to the elected Government of Peru under President Garcia. The way to avoid that kind of situation, which now I would say is unlikely, but is not impossible, if one tries to look years down the road, as a way to avoid it, I think, is first to give President Garcia the help he needs when he asks for it, if he asks for it, in terms of military training and assistance so that his security forces can cope with the terrorist threat and narcotics threat.

The resources needed are very large. The resources available to the traffickers are unbelievable, they have unlimited funds, so we will have to help the security forces.

On the economic side there is going to have to be a program—as, I think, President Garcia recognizes—a program to bring stability and growth to Peru. For this there is also going to be need to have outside resources from world institutions like World Bank and IMF and from foreign aid donors, such as the United States.

This is the area where we get into some difficulty with some of the words of the Peruvian Government because they may make it difficult for us to extend the help that they so clearly need, difficult not because their feelings are hurt, but because we have statutory requirements that you in Congress have put on us under certain circumstances, not to give further aid.

So, I think, one would have to say it is a very difficult challenge that confronts President Garcia and that he is going to need not

only the full support of the people of Peru, but outside assistance to get the resources that are needed to confront the security challenge and economic challenge.

Mr. YATRON. Has the military been resentful of President Garcia's reforms? Have they actively resisted President Garcia, and is the President jeopardizing his own position if he moves too fast with these particular reforms?

Mr. ABRAMS. There has not been any resistance. That is, people to whom he said you are fired have just been fired and tendered resignations and left. Nor has there been any kind of organized coup plotting. I would suspect there has to be some resentment. The military in Peru, as is the case in a number of other neighboring countries, are not used to civilian authority. It is really a novel development of a President who really acts as commander in chief and dismisses people. So, I think, it is fair to say that there must be some resentment.

How far President Garcia can go is an interesting question. I guess really the answer I would give to that is that he is a much better judge of that than I would be, or than we would be in the United States. That is, that he is tremendously successful and a deft politician and Peruvian, and therefore, must be paying a great deal of attention to that question. I think in that sense that he is the best judge of the answer to that and he will watch it very carefully, of course.

Mr. YATRON. Section 543 of the Foreign Assistance Act stipulates that the U.S. IMET Program should increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

In fiscal year 1985, the U.S. IMET Program for Peru was for \$800,000 and the fiscal year 1986 amount is for \$850,000. Although the funding for this program is relatively small, how can the administration justify that the IMET Program is promoting human rights in Peru when the military has committed large-scale atrocities against innocent civilians?

Mr. ABRAMS. I guess Peru in this case is no different than a lot of other countries where the military has less than a perfect record or mediocre or bad records with regard to human rights. I would argue that a hands off position, a position of demanding purity, is the wrong position, that the way to improve people's records is to get in there and work with them.

In the case of the IMET Program, there are really two ways to do it. One is the direct teaching of human rights, whether in course that cover human rights, cover professional code of conduct, and the laws of war, for example. And the other way is by example. People come up to the United States, for example, and see how professional military under civilian control operates.

So I think the IMET Program helps and the trouble with saying that we won't give it to people who have a bad human rights record is that they may need it more than others. They may need the professionalization more.

I would, therefore, argue that when there is a military on the one hand that has a bad human rights record and now has a civilian leadership pushing very hard to improve it, that we ought to participate in that. We ought to help.

This is an offer and President Garcia can, if he thinks that our IMET Program won't help, say no. But, I think, we ought to be willing to offer it.

Mr. YATRON. So, you feel in the overall picture it does do some good?

Mr. ABRAMS. I think it does. I think it is helpful.

Mr. YATRON. Mr. Lagomarsino.

Mr. LAGOMARSINO. Thank you, Mr. Chairman.

I want to compliment you, Mr. Secretary, for a very thorough, comprehensive statement.

Mr. ABRAMS. Thank you.

Mr. LAGOMARSINO. And to say that, I think, you are prescribing exactly the right medicine, although in this case, it appears that perhaps the patient might not be willing to accept some of the medicine that we are offering, not that we are insisting, that we are offering.

I would like to ask you a little bit more about the terrorist activity there. Do we have any information that the terrorists are connected with or are supported by the narcotics people?

Mr. ABRAMS. Not really. This we do say in Colombia, and so we look for it in Peru, and I would say that we really haven't found it yet. They do seem to be operating separately. My own guess is that is not going to continue forever. There is so much in it for the two of them to cooperate, as in Colombia, where you do see they do benefit from each other's activities. The activities of either group pins down a certain percentage of the security forces and there are, therefore, fewer people at work on the other group.

There is no question they help each other out indirectly. What we don't have is evidence of real cooperation of, for example, traffickers giving money to the guerrillas to buy weapons. We don't see that.

Mr. LAGOMARSINO. How many terrorists do we think there are?

Mr. ABRAMS. That is a good question. We will have to supply that for the record. There are several groups and by the standards of other countries where you may have 10 or 15,000, it may not be that large. Let me give you a cleared answer on that.

[The information follows:]

Two major terrorist groups are active in Peru. The largest, Sendero Luminoso, has its base in rural areas but has demonstrated an ability to carry out urban attacks as well. The exact size of this group is not known; a good estimate would be 2000 active members. A smaller, primarily urban group, the MRTA (Movimiento Revolucionario Tupac Amaru) has an estimated 100 members.

Mr. LAGOMARSINO. Who is supporting the terrorists?

Mr. ABRAMS. Well, that is another interesting question. We look for outside help. I would say at this point that there is no pattern of that we can locate of significant amounts of outside help. One of the reasons for it, frankly, is that the Sendero is such a whacky group politically. They are not a Moscow-line Communist group, so they are not in that sense likely to get Soviet or Cuban help as quickly as would a normal Moscow-line Communist group, and, I think, probably that has hurt the Sendero in their efforts to acquire resources. But we don't see, we cannot track significant inflows.

They steal some of the things they need—explosives, guns, and so forth—from the security forces and they seem to be getting what they need internally.

Mr. LAGOMARSINO. What would you suggest that Congress do about this situation?

Mr. ABRAMS. Well, there is always a temptation in the executive branch to say leave it to us.

Mr. LAGOMARSINO. Or perhaps a better question, what should we not do?

Mr. ABRAMS. Well, one thing, I think, we should do is try to maintain a decent level of economic and security assistance. The requests that we have are not huge by any standards. We are requesting \$29.25 million in military assistance, and \$45 million in ESF [economic support funds], and development assistance, \$24½ million, Public Law 480 about \$30 million, in addition to narcotics programs, and I would hope that we would be able to maintain those numbers. We don't have an aid program for the Andes as large as I would like.

Peru really does face problems. So that would be one thing not to cut those levels. The other is this refrain that I get—you will be hearing from people in the administration—is that to take what I would call a serious and tough, but sensible attitude on narcotics that is not to demand of the Government of Peru more than it can conceivably do in the area of narcotics so we cut them off. Cutting them off might be biting off our own nose to spite our face.

I think this kind of support that we are requesting really is warranted. I think I would add one other thing. It is something we have said to the Government of Peru and that is on visits that you may make or others from the Congress may make to Peru, we will ask you to reiterate it. Relations and our ability to do this kind of help are not going to be advanced by some of the rhetoric that is coming out of Lima intermittently and that kind of rhetoric really should stop. It is unfair in its criticism of the United States, and it is in a sense dangerous for the Government of Peru because it is all very well to say that we will turn the other cheek, but ultimately it is a way of making some enemies in Washington that they don't need.

Mr. LAGOMARSINO. I think that many of us who follow this issue can understand why the rhetoric is there, or think we understand why. It is not helpful at all, and, I think, what the President of Peru and others have to remember—maybe they don't know this—is that foreign aid is not popular in the United States. Everybody who has ever done a survey, the top of the list where you cut is foreign aid, so give the Congressman an excuse not to vote for something and it is pretty easy not to do.

Thank you.

Mr. ABRAMS. You are welcome.

Mr. YATRON. Following up on Mr. Lagomarsino's question, does the illicit narcotics trade provide a source of support for the terrorist activities?

Mr. ABRAMS. It is almost hard to believe that the answer is we don't think so, but, I think, at this point we don't see a lot of cash transfers. That is a pattern that we have seen elsewhere, but so far, we have not tracked that kind of help. I think that the help

that they would get really would be money because that is one thing that traffickers have unlimited amounts of, but not so far really.

Mr. YATRON. Does the military leadership recognize that there is a connection between President Garcia's success in eliminating human rights abuses and U.S. military assistance?

Mr. ABRAMS. I think they do. We, through the Embassy, have made that point both to the Government of Peru and directly through the U.S. military people stationed there in the Embassy say to the military in Peru. I think as they look around the rest of Latin America they can see also the pattern in Central America, for example. So, I think, the answer to that it is that is being more and more appreciated.

Mr. YATRON. What are the responsibilities of the civil defense patrols? Is service compulsory, and are the armed forces in charge of these patrols?

Mr. ABRAMS. Well, it is a mixed situation and I would also say to begin with, I don't think I understand it perfectly well. There are places where the civil defense forces were just clearly formed by the military. There are others where that does not seem to be the case. There are places where, I think, it is fair to say that service was, if not compulsory, under considerable pressure from the military, so that you wouldn't, in any event, call it fully voluntary.

You may want to jump in.

Mr. THYDEN. I understand that, in general, service is voluntary, but there would probably be exceptions to that.

Mr. YATRON. We want to thank you very much, Secretary Abrams, and Mr. Thyden, for being here and giving us the benefit of your views. We look forward to having you back again in the near future.

Mr. ABRAMS. Thank you.

Mr. YATRON. Thank you very much.

Mr. ABRAMS. You are welcome, Mr. Chairman.

Mr. YATRON. Our next witnesses will be testifying as a panel. They are Mr. Stephen Kass, on behalf of Americas Watch; Mr. Jack Healey, executive director of Amnesty International, U.S.A., accompanied by Ms. Rona Weitz, Washington office Latin America area coordinator; and Mr. George Rogers, associate, Washington Office of Latin America.

As the hour is late and we still have a number of witnesses, I would appreciate it if the witnesses would try to limit their oral statements to 5 minutes or less. This way we will have more time for the question and answer period. Of course, the entire text of your written statements will be included in the record.

Mr. Kass, it is good to have you before the subcommittee once again. You may proceed with your statement, sir.

STATEMENT OF STEPHEN KASS ON BEHALF OF AMERICAS WATCH, ACCOMPANIED BY JUAN MENDEZ, DIRECTOR OF AMERICAS WATCH

Mr. KASS. Thank you, Mr. Chairman. I will try to be brief.

I am accompanied by Mr. Juan Mendez, director of Americas Watch.

Mr. YATRON. We welcome Mr. Mendez as well.

Mr. KASS. I have a lengthy statement which I have submitted for the record and will attempt to condense it very substantially.

Mr. YATRON. Without objection, it will be printed in its entirety.

Mr. KASS. Thank you, Mr. Chairman.

I have spent 20 years or more involved in Latin American matters, almost 30, representing clients, both Latin American and U.S. clients. I am a lawyer in private practice in New York and very active in InterAmerican affairs for the Association of the Bar.

But I would say to you that the work that I have the privilege of doing for Americas Watch has been the most compelling, and, I think, the most critical that I have had occasion to engage in in the hemisphere. There is no more compelling problem than that which you are wrestling with today in connection with Peru, not because Peru's problems are more serious than other countries, but because the problem of the relationship between elected government and security forces is one which arises throughout the hemisphere both in South America and Central America.

I had occasion to visit Peru in December 1983, with Aryeh Neier of Americas Watch. That visit was followed by three other visits by other Americas Watch delegations, and together we produced the report which Mr. Bonker referred to earlier on "Abdicating Democratic Authority," which was published in October 1984.

We published another report this September entitled "A New Opportunity for Democratic Authority," which reflects our current assessment of the opportunities for improved human rights situation in Peru under President Alan Garcia.

I think it is not necessary in the few moments we have here, and particularly with this panel of very informed people, to reiterate the problems that existed under the previous Belaunde administration other than to note that while the Sendero Luminoso present serious problems, the military's reaction has been one of official terrorism and widespread violation of every conceivable kind of human rights with no control from the civilian Government.

President Garcia has attempted to remedy that. We applaud that and think he has made major and commendable efforts to do so. However, that path has not been without difficulty for him as well, and although he has taken forceful actions against recalcitrant military commanders and signaled his own commitment to rule of law with respect to the military, as well as with respect to everyone else, there are others, including senior military officials, who have taken a different point of view.

In addition, Sendero Luminoso has continued to plague the Garcia administration. You are, I know, familiar with its very conspicuous efforts around the time of his inauguration to demonstrate their activity within the cities and around the country, and I am sure you are familiar as well with the two prison riots which occurred in October 1985, under the leadership of Senderista inmates in the Lurigancho Prison in Lima on both October 4 and October 25, and in addition, there was a murder of the prison warden at another prison at the end of October as well brought about by Senderistas.

In short, the problems are real and continuing, though they by no means represent the kind of threat, if any threat really would, that would justify any return to past practices.

Now, in our September report, we have made a number of recommendations to the Peruvian Government, a number of which have been implemented. We called on the new Government to institute a simple mechanism, to hear complaints, to conduct investigations and to report to the President and relevant judicial authorities with respect to security force abuses. The newly appointed Peace Commission will, in our judgment, serve that purpose.

We have also, however, called for the Government to institute a central registry of all arrests made anywhere in the country in order to put a stop to disappearances of detained persons. We have made similar requests and proposals in other countries, including Nicaragua, proposals which have been implemented elsewhere.

The Government, we think, should also issue orders prohibiting the use of Government property for holding prisoners, even in temporary detention, except at specifically identified detention facilities. Of course, all facilities and penitentiaries should be open to frequent visits on an unannounced basis by judges and international human rights groups.

We have also called upon the Peruvian Government to investigate past abuses and encourage citizens to provide evidence concerning such abuses and to proceed with investigation and prosecution of the perpetrators of those abuses. We believe that a multidisciplinary team should be appointed by the Government to identify all bodies found in clandestine graves which have been earthed in Lurigancho and other portions of the emergency zone, and to submit all that information to the proper prosecutorial authorities.

In addition, Mr. Chairman, I should note just last week the newly established Peace Commission made public a number of proposals which it had submitted to President Garcia. We believe that these proposals, if implemented, would contribute significantly to an increased respect for human rights in Peru.

According to information we received as recently as yesterday, these proposals include, one, a limited amnesty for prisoners accused of security-related offenses other than those offenses which involve threats to or taking of human life.

Second, the repeal of the antiterrorist statute, which is known as Decree 46, and replacement with appropriate amendments to the penal code to incorporate the specific offenses related to terrorism; repeal of certain other statutes that allow prosecutions of security offenses to be conducted far from the place where the abuse occurs and the like.

The third proposal is that members of the armed and security forces should be tried in civilian courts in all cases alleging human rights abuses rather than military tribunals, the submission of weekly reports by officials responsible for detention facilities, and access by the International Committee of the Red Cross [ICRC] to such facilities.

We think these are important recommendations and should be considered very seriously by the Government, particularly those relating to the repeal of the antiterrorist statute, the trials, and the access by ICRC.

Now, we think the United States can and should support the Garcia government, and it is here I would like to spend a minute or two reflecting some of the things Mr. Abrams commented on in his colloquy with you. It is important and necessary for us to support in visual terms the elected democratic government, but we must do more and must make clear that that Government has our full support.

I welcome the Secretary's comment that there are no circumstances whatsoever in which the United States would lend any aid or comfort to any military effort to oust that government, and would support fully the elected government. That is an important statement.

But it, too, is not enough. Aid to democracy in South America, unfortunately, has been dwarfed by assistance poured into governments in Central America, and even within South America, that aid has been often dwarfed by military assistance.

In fiscal year 1985, Peru received only \$23.4 million in development assistance and none whatsoever in economic support funds. In contrast, El Salvador received about \$270 million in development assistance and economic support funds; Argentina, of course, received nothing. Moreover, during the past year, military aid to Peru nearly tripled, from a \$10 million to approximately \$30 million, exceeding the total of development and economic support assistance.

We think it is extremely important that the United States take two actions at the same time with respect to aid to Peru. The first is to condition military assistance upon significant human rights improvements by the security forces along the lines of the chairman's own previous question. There should be no such assistance whatsoever without significant improvement in the performance by the military in the human rights area.

Second, there should be significantly improved and increased economic and support assistance to the democratically elected government, not because the problems are going to be solved, but because it is essential we send a message to Peru, to the military in Peru, the people of Peru and South America, generally democratically elected governments are going to be recipients of substantial economic aid rather than military forces.

We commend the House Foreign Affairs Committee for taking action in this connection and for earmarking \$1 million in economic support funds for programs to strengthen the judicial system in Peru and to require that human rights be an important component of any military training programs.

In that connection, however, we would note that similar programs in the past, particularly in El Salvador, have frequently not yielded the kind of benefits for which they were funded by this Congress, and we think it absolutely essential there be some kind of monitoring evaluation and reporting program so that we can see to what degree those forces actually are receiving human rights assistance improve in their performance. Otherwise, we will be funding a repetition of the bizarre events in El Salvador where U.S.-trained forces committed awful atrocities.

I also would add, Mr. Chairman, in considering problems of debt refinancing and the like to which the Secretary referred a few mo-

ments ago, we think the United States should take into account the human rights performance of the government in question. There is no mandate from Congress that the United States at the moment participate affirmatively in working out the debt problems, yet everyone in the administration is aware that the debt problems facing Peru and other democracies are staggering and threaten the very human rights advances with which we are concerned.

It is important, I think, again, to make it clear to the rulers of those countries, including the military, that debt refinancing assistance will take into account the degree to which the countries and the government as a whole is able to respect human rights.

Thank you, Mr. Chairman. I would be pleased to answer any questions.

Mr. YATRON. Thank you, Mr. Kass.

[The prepared statement of Mr. Kass follows:]

PREPARED STATEMENT OF STEPHEN L. KASS

Thank you for this opportunity to testify, Mr. Chairman. I appreciate the Subcommittee's interest in holding a hearing on the subject of human rights in Peru.

My name is Stephen L. Kass. I am a partner in the law firm of Berle, Kass & Case in New York City and have had extensive professional experience in Latin America for more than 20 years. During this period I have studied the legal systems of South and Central America, represented clients in a broad range of Latin American business transactions and served as Chairman of the Committee on Inter-American Affairs of the Association of the Bar of the City of New York. It has also been my privilege to serve as a member of the executive committee to the Americas Watch since its founding, and I appear today on behalf of that group.

I visited Peru in December 1983 with Aryeh Neier of the

Americas Watch for the purpose of investigating the human rights situation there. That visit was followed by subsequent visits to Peru by the Americas Watch in December 1984, June 1985, and August 1985. In October 1984, the Americas Watch published a comprehensive report on Peruvian human rights entitled Abdicating Democratic Authority: Human Rights in Peru. That report called on the government of President Fernando Belaunde Terry to take actions to discipline security forces responsible for a growing number of disappearances, murders, and incidents of torture in their counterinsurgency campaign against Peru's brutal terrorist organization, Sendero Luminoso, or "Shining Path".

The title of our September 1985 report, A New Opportunity for Democratic Authority, reflects our hopes for human rights improvements under the government of President Alan Garcia Perez, who took office in July 1985. The election was extremely significant in that it was the first democratic transition from one elected government to another in Peru since 1912. Second, the election has made possible virtually unprecedented action in Latin America on the part of a civilian government to bring its security forces under civilian control, and to take positive steps to end egregious abuses of human rights.

To appreciate the enormity of the task which President Garcia faces one must look at the human rights situation in Peru at the time he took office. The country faced -- and continues to face -- a guerrilla organization which operates in different areas of the rural mountainous region, and which engages in terrorist bombings in Lima, and in selective assassinations and other actions against peasant communities. Unfortunately, the Belaunde government,

which embarked upon an extensive counter-insurgency campaign against the "Shining Path", fought terror with terror.

In December 1982, nine highland provinces in the Departments of Ayacucho, Apurimac, and Huancavelica were placed under military rule and by 1984 the "Andean Emergency Zone" was expanded to 13 provinces. By mid-1985, 28 provinces were under the emergency, including provinces in the northern mountains and in the jungle. Military forces operating in these areas, including the Army, the Civil Guard's special counterinsurgency battalion known as the "Sinchis", and the Marines became a law unto themselves. By October 1984, over 4,000 civilians had been killed in the 'political violence in the "Emergency Zones" and several hundred "disappeared". In July 1984, the largest clandestine gravesite yet discovered, containing 49 corpses, was found in Pucayacu; since then, as of mid-1985, at least 50 different clandestine burial grounds have been discovered in various areas of the emergency zones. Many of the bodies recovered by family members bore the signs of mutilation and torture.

By mid-1985, the prosecutor's office in Ayacucho had received over 1,300 complaints from family members of persons who had disappeared following their detention by security forces since December 1982. Some of the cases are very recent. The prosecutor's office has not acted upon any of the complaints. A few of those who disappeared could serve as important witnesses since they have reappeared later when they were released from unacknowledged detention.

President Belaunde's response was unsatisfactory. Instead of

confronting the issue, he chose to try to discredit the human rights organizations that reported the bad news. He refused to acknowledge that violations were taking place, and in the process, failed to exercise control over government forces waging the counter-insurgency campaign.

President Alan Garcia's response has been very different. In the first four weeks of his term of office, the corpses of seven individuals who had been arrested by the security forces were found in a well in Pucayacu, Ayacucho. A few days later, members of the Indian community of Accomarca came to Lima to report that an Army patrol had invaded their village, raped their women, and murdered sixty-nine peasants. Another serious episode came to light at the same time: two guerrillas were killed while in the custody of civil defense groups organized by the Army. President Garcia immediately ordered investigations and called upon high military officials to appear before congressional committees of inquiry. Members of Congress from the President's party as well as opposition parties of the right and the left traveled to the area with judges and prosecutors and verified the tragedy in Accomarca. When military authorities attempted to stonewall, President Garcia dismissed the Chairman of the Joint Chiefs of Staff. When two top Army generals were less than candid in testimony before the Senate, they were removed the same night. The president appointed six prominent and respected Peruvians to a Peace Commission and charged them with receiving complaints, promoting investigations and proposing legislative changes.

Though the President's measures are very popular among Peruvians, there have also been harsh reactions to them. The

Senate Committee on Human Rights endured heavy pressures when it conducted its on-site investigation in Ayacucho in September. Its chairman, Sen. Javier Valle Riestra, resigned from the chair and from membership in the Committee, stating his disappointment at the attitude of certain sectors that equate human rights concerns with support for terrorism. His private law office had been bombed during the investigations. On November 5, the present Commander in Chief of the Army, General Jorge Flores Torres, gave a long interview to El Nacional in which he disputed the facts of Accomarca and defended Lt. Telmo Hurtado, the main defendant in that case, as a "fighter for democracy". This very week, the press is full of attacks against the Presidential appointees to the Peace Commission, in response to a press conference in which they publicized the proposals they have submitted to the President as part of their workplan. These and similar episodes highlight the uphill nature of the task of imposing full respect for the rule of law in the midst of a serious terrorist challenge.

Needless to say, Sendero Luminoso has not made things easier for democracy in Peru. In June and July, before Garcia's inauguration, Sendero brought its struggle to the city with spectacular bombing attacks, arson, selective murder and blackouts. On October 3, Senderista inmates in Lurigancho prison staged a riot in resistance to a search. The Guardia Republicana threw tear gas and fired their machine guns through the windows. To counter the smoke, the inmates lit small fires, that soon spread. Their leaders forced other inmates to stay in the

cellblock, and the result was the death of 30 inmates, four of them by gunshots and the rest through smoke inhalation. In reprisal, on October 25, a Sendero group murdered Miguel Castro Castro, the warden at the El Fronton prison, who had been the warden in Lurigancho when a bloody riot took place in 1983. On October 29, Sendero inmates again rioted in Lurigancho, taking five hostages, including a woman judge. Fortunately, this time the matter was resolved without bloodshed.

President Alan Garcia Perez confronts many serious problems in addition to the continuing guerrilla threat. The magnitude of the foreign debt and the decline in living conditions over the past several years represent major challenges. Also, of course, the President must be concerned with the need to preserve Peru's fragile democratic institutions. In that context, the need to conduct legitimate counterinsurgency operations while maintaining full respect for the rule of law is an especially difficult challenge to the democratic system and to the new administration. On the positive side, however, President Garcia takes office at a time when some changes can begin to be implemented. He has an impressive popular mandate, obtained by his party but also in a great measure reflecting his own personal appeal to the Peruvian people. His swift action on the recently reported army abuses are an early indication of his personal commitment and courage to address human rights issues.

In our September, 1985 report, the Americas Watch made a number of recommendations to the Peruvian government, some of which have already been implemented. We called on the new government to institute a simple administrative mechanism to hear

complaints, to conduct investigations, and to report to the President and to the relevant judicial authorities. The newly appointed Peace Commission will serve that purpose. We also called for the government to institute a central registry of all arrests made anywhere in the country in order to put a stop to disappearances of detained persons. The government should also issue orders prohibiting the use of government property for holding prisoners, even in temporary detention, except in facilities specifically dedicated to that purpose and publicly recognized as such. Pre-trial detention centers and penitentiaries should be open to frequent and unannounced visits by judges and to periodic inspections by human rights groups to reduce incidents of abuse of prisoners while in detention.

We also called upon the Peruvian government to investigate past abuses, encourage citizens to provide evidence, and proceed with investigations and prosecutions of perpetrators of disappearances, rape, torture, and killings. The government should also appoint a specialized multi-disciplinary team to identify all the corpses found in clandestine graves; to provide accurate information to the relatives of the deceased; and to submit information to judicial or prosecutorial authorities so that appropriate action might be initiated against those responsible.

Last Friday, the Peace Commission made public some proposals it submitted to President Garcia. I should note here, Mr. Chairman, that Americas Watch wholeheartedly supports those recommendations. According to our information, they consist of the following: 1. a limited amnesty for prisoners accused of

security-related offenses, excluding those accused of crimes against human life; 2. repeal of the Antiterrorist Statute (Decree 046), and replacement with appropriate amendments to the Penal Code to incorporate offenses related to terrorism; 3. repeal of the statute that allows prosecutions of security offenses to be conducted in places far from where the actions were perpetrated; 4. members of armed and security forces charged with human rights violations must be tried in civilian courts; 5. the Ministerio Publico (office of the public prosecutor) should aggressively investigate the cases of the disappeared; 6. officials responsible for detention centers in the emergency zone should be ordered to submit weekly reports to central authorities on every person in their custody; 7. the International Commission of the Red Cross should be allowed to conduct relief operations in the emergency zone (it has been banned from it since 1983) as well as to visit pre-trial detention centers everywhere in Peru (it has been denied access to police detention centers since April 1985). We are also encouraged to see that partially in response to these proposals, both President Garcia and Prime Minister Luis Alva Castro have recently renewed their pledges that the desaparecidos will be accounted for.

The United States can and should support the Garcia government as it attempts to bring the armed forces under civilian control and firmly establish democratic institutions in Peru. The Reagan Administration has repeatedly stated that it supports elections and civilian governments. That is to the good, but more is needed. The United States must support civilian leaders like Alan Garcia and his counterparts in Argentina, Uruguay, Colombia

and Brazil by public statements of support for their efforts to rectify human rights abuses and by channeling significant economic assistance to such governments.

Unfortunately, aid to the democracies of South America is dwarfed by the assistance poured into governments in Central America, such as El Salvador, Guatemala, Honduras, and Haiti, where abuses by the military go unpunished. In fiscal year 1985, for example, Peru received only \$23.4 million in development assistance and none in Economic Support Funds. In contrast, El Salvador received \$74.7 million in development assistance and \$195 million in Economic Support Funds. Argentina received no economic assistance at all.

President Reagan's fiscal year 1986 foreign assistance request reflects the Administration's priorities: the military aid nearly tripled since last year, from \$19 million to \$29.2 million. While Peru indeed faces a serious problem of guerrilla insurgency, the United States should not overwhelm the Peruvian military with funds at a time when President Garcia is attempting to bring them under civilian control. Military assistance should be conditioned upon significant human rights improvements by the Peruvian armed forces, including prosecution of persons responsible for acts of violence against civilians and an accounting of those disappeared following their detention by security forces.

The House Foreign Affairs Committee is to be commended for actions taken in its 1986-87 foreign aid authorization, which earmarked \$1 million in Economic Support Funds for programs to

strengthen Peru's judicial system and required that human rights be an important component of U.S. military training programs for the Peruvian armed forces. I would urge you to consider extensive additional economic assistance in the coming year, as well.

The actions taken by presidents Alan Garcia of Peru and Raul Alfonsin of Argentina to discipline members of the armed forces guilty of gross violations of human rights have given hope to victims across the hemisphere. Their courage shames those governments in the hemisphere which refuse to take similar actions to bring to an end murder, torture, and disappearances by the army and security forces. By channeling badly-needed assistance to governments which have taken bold action against violators, the United States would be supporting its human rights rhetoric with positive action. Such action would not only bolster the welcome initiatives of the Alan Garcias of the hemisphere, it would also send a clear signal to others less willing to discipline perpetrators of human rights abuses.

Mr. YATRON. Our next witness is Mr. Jack Healey, accompanied by Ms. Rona Weitz.

STATEMENT OF JACK HEALEY, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL, U.S.A., ACCOMPANIED BY RONA WEITZ, WASHINGTON OFFICE LATIN AMERICA AREA COORDINATOR

Mr. HEALEY. Thank you, Mr. Chairman. Amnesty International, U.S.A., is pleased to appear before you once again. Before beginning my oral statement, I want to commend you for holding these hearings on Peru, a country which Amnesty International considers to have a grave human rights record and one that has been sadly neglected. In the interest of time, I have prepared a brief oral statement. I would request at this time, however, that the full text of our written statement be included in the hearing record.

In recent years, human rights violations in Peru have escalated at an alarming rate. Beginning in December 1982, Peru witnessed a dramatic new pattern in human rights abuses in the 13-province emergency zone under military control. Hundreds have been killed by government security forces in counterinsurgency operations in the emergency zone. Others detained during the same period have subsequently disappeared.

Many of the victims are professionals—lawyers, engineers, agronomists, and journalists. The vast majority, however, are the forgotten victims—peasants, students, members of labor organizations, and teachers. Not even children escape persecution. Of the 1,100 disappearances documented in the emergency zone, at least 76 are children under the age of 18. To be young is to be suspect. Even the families of the detained and disappeared risk persecution. They live in constant uncertainty and fear.

Like the phenomena of disappearances and political killings, arbitrary arrests and incommunicado detention are also widespread. In Peru's emergency zone neither relatives, public prosecutors, nor the courts are regularly informed of arrests. Given the lack of a regular system of reporting or acknowledging detentions by the military, the judicial system in the region has been reduced to near impotence. In secret detention centers torture is a common practice. We know this to be true from the testimonies of released prisoners. Those who pass through the doors of secret detention centers often become mere statistics on the growing lists of the disappeared. It is not unusual for them later to be found dead, often bearing signs of torture.

The less fortunate end up in mass graves and body dumping grounds. Families attempting to trace their disappeared relatives regularly visit these sites. In some cases, their only clue comes from following the path of the vultures. The lucky ones locate their dead relatives.

Some are not as fortunate; they may never find their relatives. In still other cases, relatives of the "disappeared" have themselves become the subject of death threats. One woman, whose husband was detained in June 1983, explained: "I have seen five cadavers at Paracuti . . . The dogs and pigs were eating them. A marine there . . . said to me: If you return, I will kill you."

At one site last summer, 50 bodies were found in a group of shallow graves. At another, 47 bodies were unearthed. Some prisoners have been forced to dig their own graves. Bodies of the victims are generally naked and blind-folded, their hands tied behind their backs. Many bear signs of torture. Often there is a single gunshot wound in the head or mouth. Many of the victims' bodies are beyond recognition. It is not unusual for fingers to be severed, clothing to be removed and facial features to be mutilated, making identification difficult.

Despite domestic and international protest against government repression, the armed forces continue to violate human rights in the emergency zone. Under the Government of Belaunde Terry, little action was taken to control the armed forces. While some Public Ministry officials at departmental and provincial levels in the emergency zone made significant efforts to establish the whereabouts of the "disappeared," their efforts were greatly hampered by the lack of cooperation on the part of the government.

For example, prosecutors were often denied clearance and transportation to rural zones. Access to detention centers was also regularly restricted. Reports of arrests or prisoner transfers were routinely withheld.

Human rights violations on this scale are unprecedented in modern Peru. Between 1980 and December 1982, Amnesty International received few reports of political killings or "disappearances." Even after the declaration of a state of emergency and the suspension of some constitutional guarantees in March 1982, in nine provinces in the emergency zone, these practices were virtually unknown.

This changed dramatically in late 1982. In response to the armed conflict between Government forces and the Shining Path guerrilla movement, the Government tightened its reins. In December 1982, nine remote western provinces were placed under military rule. Last year the Government extended the emergency zone to 13 provinces and placed under the jurisdiction of the Armed Forces Joint Command the authority to plan and execute the Government's war against subversion. Since then, repression has intensified. Human rights abuses previously unknown in Peru became routine.

The Shining Path has conducted its own campaign of systematic killings, mutilation and torture of unarmed civilians. In response, the Government has used this to justify its own campaign of repression and intimidation in Peru's emergency zone.

Amnesty International condemns the human rights violations committed by the Shining Path. It recognizes that it is the responsibility of the Peruvian Government under national and international law to prevent and punish crimes of violence. However, Government actions must be in conformity with international standards for the protection of human rights.

Following the election of Alan Garcia Perez in July 1985, new evidence of mass killings by the armed forces in its counterinsurgency operations in the emergency zone has come to light.

In late August, seven bodies were exhumed from a mass grave discovered in the province of Huanta. According to forensic experts, the seven had been buried for about a week and had execution-style gunshot wounds. Since that time, the bodies have been

positively identified by relatives, and it has been confirmed that all had been detained earlier that same month.

Within a week of these incidents, reports reached the capital of another mass killing in the emergency zone. Two survivors of the alleged massacre reported the army's detention and killing of over 60 individuals in a hamlet in the Accomarca district after an officer accused the community of sympathy with the Shining Path.

Shortly after these incidents were publicized, President Garcia took unprecedented measures to investigate the incidents and punish those responsible.

Amnesty International cabled President Garcia in mid-September to express its satisfaction at the new Government's initiatives in investigating these incidents and their pledges to bring to trial those responsible. Amnesty International urged that the full findings of the investigations be made public, as well as plans by the Government to investigate and punish other human rights abuses in the emergency zone.

Following these incidents, another report of a mass killing, this time in Vilcashuaman, has reached Amnesty International. Survivors of the massacre have testified that virtually the entire community was detained by an army patrol. The men, women, and children were then separated into groups. According to the witnesses, they were then summarily executed by the army. The response of the army to these charges is not yet known.

However grim the details, there remain some grounds for hope. For one, under the newly-elected Government which took office on July 28, 1985, a series of steps to investigate and stop abuses by military counterinsurgency forces in the remote emergency zone have been undertaken. Regional military commanders have been dismissed, the military's top officer, the Chairman of the Joint Chiefs of Staff, has been forced to resign, and some officers are to face trial by military courts for their role in "disappearances" and mass extrajudicial executions.

In summary, Mr. Chairman, in conclusion, we commend the holding of these hearings and urge you to continue to take an active interest in human rights in Peru.

Thank you for the opportunity to appear before this subcommittee today.

Mr. YATRON. Thank you very much for your statement.

[Mr. Healey's prepared statement follows:]

PREPARED STATEMENT OF JACK HEALEY

Thank you, Mr. Chairman. Amnesty International USA is pleased to appear before you today to discuss human rights in Peru.

In recent years, human rights violations in Peru have escalated at an alarming rate. Beginning in December 1982, Peru witnessed a dramatic new pattern in human rights abuses in the 13-province emergency zone under military control. Hundreds have been killed by government security forces in counter-insurgency operations in the emergency zone. Others detained during the same period have subsequently "disappeared."

Many of the victims are professionals--lawyers, engineers, agronomists and journalists. The vast majority, however, are the forgotten victims--peasants, students, members of labor organizations and teachers. Not even children escape persecution. Of the 1,100 "disappearances" reported in the emergency zone, at least 76 are children under the age of 18. To be young is to be suspect. Even the families of the detained and "disappeared" risk becoming targets of persecution. They live in constant uncertainty and fear.

Like the phenomena of "disappearances" and political killings, arbitrary arrests and incommunicado detention are also widespread. In Peru's emergency zone neither relatives, public prosecutors, nor the courts are regularly informed of arrests. Given the lack of a regular system of reporting or acknowledging detentions by the military, the judicial system in the region has been reduced to near impotence. In secret detention centers torture is a common practice. We know this to be true from the testimonies of released prisoners. Those who pass through the doors of secret detention centers often become mere statistics on the growing lists of the "disappeared." It is not unusual for them later to be found dead, often bearing signs of torture.

The less fortunate end up in mass graves and body dumping grounds. Families attempting to trace their "disappeared" relatives regularly visit these sites. In some cases their only clue comes from following the path of the vultures. The lucky ones locate their dead relatives. The wife of a teacher who was detained by

an army patrol in October 1983 tells her story:

"We went to a place called "the little Hell..." where we (found) various cadavers, among them my husband's ...I found his clothing in a cave... trousers, shirt, sweater, soaked in blood and torn ...I saw (also) bones and unrecognizable skulls."

Some are not as fortunate; they may never find their relatives. In still other cases relatives of the "disappeared" have themselves become the subject of death threats. One woman, whose husband was detained in June 1983, explained:

"I have seen five cadavers at Paracuti...
The dogs and pigs were eating them. A
marine there...said to me: If you return I will
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At one site last summer, fifty bodies were found in a group of shallow graves. At another, 47 bodies were unearthed. Some prisoners have been forced to dig their own graves. Bodies of the victims are generally naked and blindfolded, their hands tied behind their backs. Many bear signs of torture. Often there is a single gunshot wound in the head or mouth. Many of the victims bodies are beyond recognition. It is not unusual for fingers to be severed, clothing to be removed and facial features to be mutilated, making identification difficult.

Despite domestic and international protest against government repression, the armed forces continue to violate human rights in the emergency zone. Under the Government of Belaunde Terry little action was taken to control the armed forces. While some Public Ministry officials at departmental and provincial levels in the emergency zone made significant efforts to establish the whereabouts of the "disappeared," their efforts were greatly hampered by the lack of co-operation of the government. For example, prosecutors were often denied clearance

and transportation to rural zones. Access to detention centers was also regularly restricted. Reports of arrests or prisoner transfers were routinely withheld. Formal communications have gone without acknowledgement by military authorities.

Despite obstacles to information gathering in Peru's remote emergency zone, new information of human rights abuses continues to reach the capital. Following the election of Alan Garcia Perez in July 1985, new evidence of mass killings by the armed forces in its counterinsurgency operations in the emergency zone has come to light.

In late August seven bodies were exhumed from a mass grave discovered at Pucayacu in Huanta province. According to forensic experts, the seven had been buried for about a week and had execution-style gunshot wounds. Since that time, the bodies have been positively identified by relatives and it has been confirmed that all had been detained earlier that same month. According to the region's public prosecutor, 20 denunciations of "disappearances" were received in August alone. According to reports, President Garcia immediately telexed General Wilfredo Mori, head of the Ayacucho command demanding an explanation of the Pucayacu affair and urging an immediate investigation of the incident. Amnesty International telexed President Garcia on September 6, 1985 to request information on judicial and administrative steps taken in the wake of the Pucayacu discovery, as well as on initiatives taken or planned by the authorities to clarify the situation of victims of ongoing "disappearances" in the region.

Within a week of the Pucayacu discoveries, reports reached the capital of mass killings in another Ayacucho province. Two survivors of the reported massacre reported the army's detention and killing of over 60 individuals at the hamlet of Llocllapampa in Accomarca district after an officer accused the community of sympathy with the Shining Path, a left wing opposition guerrilla group. The names of 31 reported adult victims were published in the Peruvian press.

On September 12, 1985, a Presidential press statement was issued which said that the Armed Forces Joint Chiefs of Staff had been ordered to make full reports to the President and his cabinet on events at Pucayacu and Accomarca. The statement indicated that the government had reaffirmed its decision to punish those responsible for all violations of human rights. On September 15, 1985, the Joint Chiefs of Staff Chairman, General Cesar Enrico Praeli, presented his report to the President, confirming that the seven dead at Pucayacu had been detained as suspected guerrillas, interrogated at the Huanta barracks, and subsequently taken by truck by troops led by an army lieutenant to Pucayacu, where they were subsequently executed. Three army officers were identified as having direct responsibility in the killings. General Enrico Praeli was invited to resign and subsequently did so.

On September 17, 1985, a communique was issued by the new Joint Chiefs' Chairman, General Luis Abram Caballerino, reporting the dismissal of Ayacucho commander, General Wilfredo Mori and Second Military Region Commander General Sinesio Jarama who that day had told Congressional Commissioners that the only dead at Accomarca were guerrillas killed in "armed clashes." The communique asserted that a patrol commanded by Lieutenant Telmo Hurtado had detained and killed some 40 villagers at Llocllapampa, and that officers responsible would be prosecuted by military courts.

A parliamentary commission of inquiry traveled to Ayacucho on September 18, 1985, and interviewed regional military commanders and junior officers, including Lieutenant Hurtado, who was alleged to have been directly responsible for the killings. Junior officers reportedly described the detentions and killings in detail and maintained that they were justified in a war in which even children could be the enemy. According to reports of the testimony to the parliamentary commission by Lieutenant Hurtado and by villagers who had escaped, the villagers were assembled on August 14, 1985. Men, women and children were separated. The groups were held in two houses with the children locked in the village school. Troops subse-

quently removed the men and shot them. The women were reportedly raped and shot in the house. The children were reportedly taken from the school and then shot. The houses were subsequently set on fire and the bodies thrown into the fire. Two days later the remains were buried in several pits.

Since the official publication of findings identifying the military as responsible for the Pucayacu and Accomarca killings, the military court system has initiated proceedings against several army officers, including the commanders of Huenta and Vilcashuaman provinces. The precise nature and scope of these proceedings, however, is not yet known.

Since the dramatic changes in military leadership in September, information has reached Amnesty International on a further reported mass killing in Vilcashuaman. First reported in the Lima press on September 24, reports of over 50 killings on August 25 of villagers of the communities of Umaro and Bellavista were initially met with claims by military authorities that deaths had only occurred in armed clashes. Several alleged survivors of the killings, however, told parliamentarians and the press that an army patrol had detained virtually their entire community and had carried out summary executions after captive men, women and children were separated into groups. The response of the armed forces to the new charges is not yet known.

Amnesty International telexed President Garcia on September 17, 1985 to express its satisfaction at the new Government's initiatives in investigating the Pucayacu and Accomarca incidents, and pledges to bring to trial those responsible. Amnesty International urged that the full findings of these investigations, and the nature of the steps adopted to clarify and punish other cases of grave abuses in the emergency zone be made public.

Human rights violations on this scale are unprecedented in modern Peru. Between 1980 and December 1982, Amnesty International received few reports of political killings or "disappearances." Even after the declaration of a state of emergency and the suspension of some constitutional guarantees in March 1982 in nine provinces in the emergency zone, these practices were virtually unknown.

This changed dramatically in late 1982. In response to the armed conflict between government forces and the Sendero Luminoso (Shining Path) guerrilla movement, the government tightened its reins. In December 1982 nine remote western provinces were placed under military rule. Last year the government extended the emergency zone to 13 provinces* and placed under the jurisdiction of the Armed Forces Joint Command the authority to plan and execute the government's war against subversion. Since then, repression has intensified. Human rights abuses previously unknown in Peru became routine.

The Shining Path has conducted its own campaign of systematic killings, mutilation and torture of unarmed civilians. In response, the government has used this to justify its own campaign of repression and intimidation in Peru's emergency zone. Amnesty International condemns the atrocities committed by the Shining Path. It recognizes that it is the responsibility of the Peruvian Government under national and international law to prevent and punish crimes of violence. However, government actions must be in conformity with international standards for the protection of human rights.

However grim the details are, there remain some grounds for hope. For one, under the newly elected government which took office on July 28, 1985, a series of steps to investigate and stop abuses by military counter-insurgency forces in the remote emergency zone have been undertaken. Some regional military commanders have been dismissed, the military's top officer, the Chairman of the Joint Chiefs of Staff has been forced to resign, and some officers are to face trial by military courts for their alleged role in "disappearances" and mass extrajudicial executions.

While the progress made by the Alan Garcia Perez Government thus far has been encouraging, the human rights situation in Peru remains grave. Continued progress in this area will require the full commitment of the Government of Peru. As U.S. legislators you can play a special role in supporting those structures within the Peruvian Government that continue to make courageous efforts to assure that the promise of human rights is a reality. I urge you to stand behind the Peruvian people. Raise your voice for Peruvian officials. Let them know the world is watching. Thank you.

*It has since been extended so that 16 provinces now comprise the emergency zone.

Mass graves and body dumping grounds

Bodies of alleged victims of political killings by government forces have been found regularly or in large numbers in mass graves or dumping grounds at the following sites, among others. The best-known sites are within a 3-20km radius of the two major cities, Ayacucho and Huanta; all known sites are near roads. In the table below the distance of the site from the city is indicated.

AYACUCHO CITY

"Paracuti" garbage dump (3km)	bodies found regularly since January 1983
"Infiernillo" (14km)	bodies found regularly since January 1983
Quinua and surrounding area (20km)	9 bodies, 10 October 1983 25 bodies, 14-15 August 1984 7 bodies, 12 July 1984
Sacsaruni (12km)	17 headless bodies, 18 August 1984
Casaorcco (20km)	8 bodies, 15 September 1984
HUANTA CITY	
Puchecochoicc (4km)	6 bodies, 14 August 1984

Pago Impao (3km)	5 bodies, 20 October 1984
Olanopampa (3km)	4 bodies, 18 August 1984
Chamana (23km)	5 bodies, 20 October 1984
Bajo Chico (13km)	14 bodies, 20 October 1984
Pucayacu (46km)	50 bodies, 22 August 1984

Other major grave sites

Lirios (Soccos, Huamanga province)	34 bodies found on outskirts on 23 November 1983; 13 other bodies found in area 23-30 November 1983
Pichari (La Convención, Cuzco department) — across river from Sivia, La Mar	50 or more, according to unconfirmed allegations, November 1983; no investigation of mass grave reported.
Ocos (Cangallo province)	40 bodies (estimated), July 1984
Totos (Cangallo province)	27 bodies at five grave sites, April 1983.

SOURCE: Amnesty International Peru Briefing:
AMR 46/01/85
JANUARY 1985

THE "DISAPPEARED" OF PERU (AS OF JULY 1985)

(UPDATE TO "THE 'DISAPPEARED' OF PERU — NOVEMBER 1984"

AI Index: AMR 46/01/85 of 23 January 1985

The list below includes the names and other information on over 1,600 people reported to Amnesty International as having "disappeared" after detention by government forces in an Emergency Zone in Peru between 6 January 1983 and 20 May 1985. This Emergency Zone now comprises 16 provinces of the Southern Andes departments of Ayacucho, Huancavelica and Apurimac, under the administration of a Political-Military Command based in the city of Ayacucho. Headed by an army general, and responsible to the military joint command, the Political-Military Command was first set up to combat the guerrilla group Sendero Luminoso (Shining Path) on 26 December 1982, with political and military authority over the area of nine and subsequently 16 provinces in the three departments.*

This document updates the list first published with Amnesty International's *Peru Briefing* in January 1985. It indicates those cases in which reported "disappeared" prisoners are now known to have been released; acknowledged to be in detention and taken before the courts; or found dead, the apparent victims of extrajudicial execution.

Information is also provided on over 100 new cases of reported unacknowledged detention and possible "disappearance", which have been raised by Amnesty International with the Government of Peru in memoranda of 18 February 1985 and 30 April 1985.** They include 42 detentions reported to have been carried out in 1985. Amnesty International has received no information on their status from the Peruvian authorities but hopes that many of these individuals whose detentions were reportedly denied were subsequently acknowledged to be in detention, and either released or brought before the courts.

The list names the force to which each detention is attributed when this information is available. Forces identified in specific cases include the army, navy (Marine Infantry), Civil Guard, Peruvian Investigative Police and civilian irregular forces operating in the neighbourhood of their own peasant communities. These are generally reported to act under the direction of and in conjunction with military or Civil Guard forces, and are known under various names: civil defence patrols (*pattallas de defensa civil*), community patrols (*pattallas comunales*) or *Montoneros* (the term used to describe the Peruvian irregular forces raised in the Andes during the 19th century War of the Pacific).

CATEGORIES

NAME
AGE
OCCUPATION (see codes)
DATE OF DETENTION
PLACE OF DETENTION (see codes)
DETENTION CENTRE (see below)
DETAINED BY (see codes for authorities)
PRESENT SITUATION

CODES FOR PROFESSIONS

AG... AGRICULTURAL WORKER
AN... ANTHROPOLOGIST
AR... ARTIST
AT... ARTISAN
BU... BUSINESSMAN OR WOMAN
CS... CIVIL SERVANT
CW... CHURCH WORKER
EN... ENGINEER
FW... FACTORY WORKER
GE... GENERAL EMPLOYEE

HW... HOSPITAL WORKER
JR... JOURNALIST
LB... OTHER MANUAL WORKERS
LY... LEGAL PROFESSION
ML... MILITARY PERSONNEL
NU... NURSE
OW... OFFICE WORKER
ST... STUDENT
SW... SOCIAL WORKER
TC... TECHNICIAN
TE... TEACHER

* The 16 provinces now under state of emergency which are administered by the military from the city of Ayacucho: the *Comando Político-Militar* at the Cuartel Los Caballeros are: Ayacucho Department — Cangallo, Huamanga, Huanta, La Mar, Lucanas, Victor Fajardo, Huancasancos and Vilcabamba (the last two have recently been formed from districts in Victor Fajardo and Cangallo); Huancavelica Department — Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tarma and Huanuco; Apurimac Department — Andahuaylas and Chinchipe.

** Further information on the situation of "disappearances" in Peru since the publication of the *Peru Briefing* is available in AI Index: AMR 46/30/85 of 15 May 1985, *Unacknowledged Detentions in Peru: Cases of Possible "Disappearance" Raised with the Government of Peru since January 1985*; that document includes transcribed testimonies, case information and the text of Amnesty International's testimonies on "disappearances" to the United Nations Commission on Human Rights.

CODES FOR PROVINCES

Provinces in the department of Ayacucho

CA.....CANGALLO
 HA.....HUANTA
 HC.....HUANCASANCOS*
 HU.....HUAMANGA
 LU.....LUCANAS
 LM.....LA MAR
 VF.....VICTOR FAJARDO
 VL.....VILCASHUAMAN*

Provinces in the department of Huancavelica

AC.....ACOBAMBA
 AG.....ANGARAES
 CS.....CASTROVIRREYNA
 HV.....HUANCVELICA
 HY.....HUAYTARA
 TY.....TAYACAJA

Provinces in the department of Apurimac

AN.....ANDAHUAYLAS
 CC.....CHINCHEROS

* Although Huancasancos and Vilcashuaman, formerly districts of Victor Fajardo and Cangallo provinces respectively, have been granted the status of provinces since the publication of the *Peru Briefing*, arrests reported in these former districts are included in the list under the names of Victor Fajardo and Cangallo.

CODES FOR DETENTION CENTRES

LOS CABITOS.....Batallón de Infantería Motorizada No.51 (BIM No.51) "Los Cabitos" — Army headquarters in Ayacucho.
 ESTADIO.....Estadio Municipal de Huanta — (Huanta Municipal Stadium). Marines headquarters in Huanta.
 ARMY CANARIA.....Army base in Victor Fajardo province.
 ARMY PICHARI.....Army base in La Convención province, Department of Cuzco.
 ARMY CANGALLO.....Army base in Cangallo city, Cangallo province.
 ARMY TOTOS.....Combined forces base in Cangallo province (formerly a village school).
 ARMY PAMPAS.....Army base in Pampas city, Cangallo province.
 ARMY ASQUIPATA.....Army base in Cangallo province.
 ARMY CHUÑAS.....Army base in Cangallo province.
 ARMY QUICAPATA.....Army base in Huamanga province.
 ARMY OCROS.....Army base in Cangallo province.
 ARMY HUANCAPU.....Army base in Victor Fajardo province.
 ARMY ACOBAMBA.....Army base in Acobamba province, Department of Huancavelica.
 ARMY COBRIZA.....Army base in Tayacaja province, Department of Huancavelica.
 ARMY CHUSCHI.....Army base in Cangallo province.
 ARMY CHUNGUI.....Army base in La Mar province.
 ARMY CHURCAMPAS.....Army base in Tayacaja province, Department of Huancavelica.
 ARMY RUMIHUASI.....Army base in Huamanga province.
 ARMY SACHABAMBA.....Army base in Huamanga province.
 ARMY HUANCAPU.....Army base in Victor Fajardo province.
 NAVY HUAMANGUILLA.....Marine base in Huanta province.
 NAVY TAMBO.....Marine base in La Mar province.
 GC AYACUCHO.....Civil Guard station in Ayacucho city.
 GC HUANTA.....Civil Guard station in Huanta province.
 GC PAMPAS.....Civil Guard station in Pampas city, Cangallo province.
 GC VILCASHUAMAN.....Civil Guard station in Cangallo province.
 GC CHIARA.....Civil Guard station in Huamanga province.
 GC CHUSCHI.....Civil Guard station in Cangallo province.
 GC COBRIZA.....Civil Guard station in Tayacaja province, Department of Huancavelica.
 GC SAN FRANCISCO.....Civil Guard station in La Mar province.
 GC SAN PEDRO DE CACHI.....Civil Guard station in Huamanga province.
 PIP TOTOS.....Peruvian Investigative Police station in Totos, Cangallo province.
 PIP AYACUCHO.....Peruvian Investigative Police station in Ayacucho city.
 PIP CANGALLO.....Peruvian Investigative Police station in Cangallo city.
 CASA ROSADA.....Clandestine interrogation centre in Ayacucho city, Huamanga province.
 With the exception of ARMY ACOBAMBA, ARMY PICHARI, ARMY COBRIZA, GC COBRIZA and ARMY CHURCAMPAS, all detention centres are in the Department of Ayacucho.

CODES FOR AUTHORITIES

ARMY.....(Ejército)
 CMB.....COMBINED FORCES
 CI.....CIVILIAN IRREGULAR FORCES**
 GC.....CIVIL GUARD (Guardia Civil)
 GR.....REPUBLICAN GUARD (Guardia Republicana)
 NAVY.....MARINES Infantería de Marina
 PIP.....PERUVIAN INVESTIGATIVE POLICE (Policía de Investigaciones del Perú)
 UNCF.....UNCONFIRMED*
 POL.....POLICE FORCE (branch unspecified)

* This means that security forces personnel are believed to have carried out the detentions but that:

a) the branches involved were not specified in the information made available to Amnesty International; or
 b) these branches were not identifiable by witnesses because the detaining personnel were not in full uniform, wore civilian clothes or were masked.

** These are civilian irregular forces deputized by local military authorities to carry out counter-insurgency functions.

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NUMERO	NOMBRE	HECHOS	CA	ANTO DE PINCOS	330405	ARRY TOTOS	UNCF	
RENOBETA ACOSTA TORQUE					840217		UNCF	
RENOBETA ALARCON FELIX					840219		UNCF	
RENOBETA ALARCON NAJES					840711		UNCF	
RENOBETA APARICIO SUAREZ	18	AS/ST	LM	SAN FRANCISCO	840715		CI	
RENOBETA ARCE LILIANNE ROSARIO	20	AR	HU	ATACUCHO	840716	CC	ATACUCHO	ABMY
RENOBETA AUMAY SIMON FIDEL	20	AR	HU	ATACUCHO	830719		LOS CAMITOS	UNCF
RENOBETA DE LA CRUZ CLARISA					831207			
RENOBETA DE LA CRUZ ROBERTO					840824			
RENOBETA GARCIA NARCISO					840823			
RENOBETA HERNAN FLORENTINO	30		HU	BARBARA	840327	LOS CAMITOS	POL	FOUND DE
RENOBETA HERNANDEZ MARCELA					840824			
RENOBETA PORNABALLACA ALFREDO					840211			
RENOBETA QUIROPE PEDRO					840207			
RENOBETA SALVADOR ANTONIO	50	AG	CA	MARABAYOC	840709	ARRY OCROS	ARRY	
RENOBETA SALVADOR CARLOS	32	AG	CA	MARABAYOC	840709	ARRY OCROS	ARRY	
RENOBETA TANTA ANICETO	54	LB	CA	PARABAYOC	830714			
RENOBETA BANCENA RICARDO					850718			
RENOBETA PARADIA ANTONIO			CP	CHUSCHI	850212	ARRY PAPA	UNCF	
RENOBETA PEREIRA ARMANDO A					850203			
RENOBETA PEREIRA ESTEBAN					851023			
RENOBETA QUIROPE JORGE	17	ST	HU	ATACUCHO	841050			
RENOBETA QUIROPE PATRICIA			CA	CHUSCHI	850212	ARRY PAPA	ARRY	
RENOBETA QUIROPE COLASIA			CA	CHUSCHI	850212	ARRY PAPA	ARRY	
RENOBETA QUIROPE MARCELINO			HU	ATACUCHO	840423			
RENOBETA VALDEZ HONORILDO					851112			
RENOBETA QUIROPE EUGENIO					840516			
RENOBETA AGUSTIN JESUS					840804			
RENOBETA AGUIRRE ANTONIO					840712			
RENOBETA GUZMAN	26		VF	VILAHUAYOS	830406	ARRY TOTOS	UNCF	
RENOBETA DE LA CRUZ NICOLAS			VF	CHUSCHI	830406			
RENOBETA AYALA BIRSA					830916			
RENOBETA CACHO JOSE	65				831109			
RENOBETA DE LA CRUZ CECILIA					850223			
RENOBETA AYAT FELIX	30	ST	CA	MOLLEBARRA	830730	ARRY CANGALO	ARRY	
RENOBETA AYATE TEODORO					831201			
RENOBETA HUASMAN APOLICIO					840708			
RENOBETA PEREZ FORTUNATO	17	ST	LM	CHUSCHI	830706			
RENOBETA ESPINOZA PAMPALILLO JUSTO					830616			
RENOBETA ROMANETE JIMES			CA	ANZO DE PINCOS	840405	ARRY TOTOS	UNCF	
RENOBETA ROVERA DANIEL A	14		TV	PAUCABARRA	840803			
RENOBETA RODRIGUEZ GUERRERO	26	TE	HU	ATACUCHO	840400			
RENOBETA CASTILLO ALBA	37	TE	TV	PAUCABARRA	841130	CC	ATACUCHO	CC
RENOBETA PALMERO ALFREDO					841000			
RENOBETA SALVEZ EUGENIO					830620			
RENOBETA FLORES VICTOR					831113			
RENOBETA QUIROPE PAULINA					830731			
RENOBETA TAYPE CULOLA	AG		TV	ANZO DE PINCOS	840217	ARRY CORUZA	UNCF	
RENOBETA PEREIRA ELIAS	22		LM	CHUSCHI	831103	ARRY PICHARD	ARRY	
RENOBETA CATALAN ANICETO	38		CA	MUPELLILLECTA	830521			
RENOBETA HUASMAN ROBERTO	48		CA	MUPELLILLECTA	830521			
RENOBETA PERALTA JUAN JUAN					830525			
RENOBETA HUASMAN NARCISO					840328	</		

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TURROS FLORES ELUTERIO	33	AG	CA AREDO DE VERACRUZ	830405	ARMY TOTOS	UNCF
TUPYA CORTADENA ALICIA	30	LO	HU AYACUCHO	831101	LOS CABITOS	ARMY
TUPYA JOAQUINA WALTER				830514		UNCF
TUTALLA VELARDE MARIA				840712		UNCF
URBANO CARBONAS JESUS				830930		UNCF
URBANO CUFARUA WALTER				840938		UNCF
URBAY CARMUSTORA AURIA ELABYE	16		HA HUANTA	050210		UNCF
URBAY GONZALEZ JESUSA LUCIANA				830128		UNCF
VALDES CLAUDIO TOMAS		AG	VF ESPITE	831026	ARMY TOTOS	UNCF
VALDES DE LA CAUZ VICTORIANO				830811		UNCF
VALDIVIA WISPESE HERNANDO	16	ST	UINACA	850120		UNCF
VALDIVIA WISPESE JULIAN	20	AT		850120		UNCF
VALCHURELA CEAULLA CLAUDIO	30	TE	VF MUSTLA	830609	ARMY CANARIAS	ARMY
VALLADAR CUYA RODRIGUEZ	19	ST	HA AYACUCHO	830515		UNCF
VALLERJO CUYA JUAN	17	ST	HA HUAMANGUILA	840709		UNCF
VALLERJO HUINTEFALLA CAROLINA LUI	16			831024		UNCF
VALLERJO JAYALA HUGO				850904		UNCF
VARGAS GUTIERREZ PIO BENJAMIN		AG	HA IDRIABABA	831202	ESTADIO	ARMY
VARGAS LORITA ORLANDO				8403		UNCF
VARGAS PEDRO	30	AT	VF VILCANOVS	830405	ARMY TOTOS	UNCF
VARGAS VELANCHESE MARCELINO	27	LO/AG	HU AYACUCHO	830806	LOS CABITOS	UNCF
VARNET CASTILLO SIZO			HU SANTILLO DE PESCA	830613		UNCF
VAREQUE LAURENTE FELIX	26		HU SACABAMBA	830408		UNCF
VAREQUE LLALLANUE FELIX	34		HU SACABAMBA	830808		UNCF
VAREQUE SARACENTO ANTONIO				840124		UNCF
VERA CANCHARI HERNANDO	27	AT	HU AYACUCHO	830701		UNCF
VERA CANCHARI CARLOS				830724	GE AYACUCHO	UNCF
VERA CANCHARI PEDRINHO	23		VF ESPITE	830406		UNCF
VERA GONZALEZ ANTONIO				840417		UNCF
VERA HERNANDEZ RAFAEL	26		VF VILCANOVS	830403	ARMY TOTOS	UNCF
VERA PEREZ MARIANO	45		VF ESPITE	830406		UNCF
VERA PERAZO SIMON			CA CHINCUCANCHA	830922	ARMY ASQUICLA	UNCF
VELARDE GUTIERREZ PERCY	18		HU YANAHUANCO	830409		UNCF
VELARDE ROBERTO JESUS	10		HU YANAHUANCO	830409		UNCF
VELARDE RODRIGUEZ LANTAGAO	10		HU YANAHUANCO	830409		UNCF
VELASQUEZ ARAUJO JUAN TERCIO	17	AG	AC HAYATAC	840132	ARMY JIJENABA	ARMY
VELASQUEZ BARRERO DANIEL	10	AG	HA LURECOCHA	840513		UNCF
VENTURA HALLQUI JULIO TENDERO				830819		UNCF
VICENTE ASTORAY ZENON			HU SW PEDRO DE CACHI	840111		UNCF
VIGILADO PERAZO HENRICA	32		HU AYACUCHO	830409	ARMY TOTOS	UNCF
VILA PABLO	18		VF VILCANOVS	830409		UNCF
VILA MARTINEZ DINA				840111	ARMY TOTOS	UNCF
VILCA CACALACUNTO JORGE ROBERTO	30	LO	CA QUIPILLACTA	840805	ARMY CUSCHIC	UNCF
VILCA HERNANDEZ JUAN			HU AYACUCHO	831111		UNCF
VILCA TORREALTA MARTIN	48	AG	CA QUIPILLACTA	830521		UNCF
VILCA TUCCHO JOSE		FW	HU AYACUCHO	831108		UNCF
VILCACHICHE HERNANDEZ JESUS	29			831110		UNCF
VILCACHICHE ROLIO HUGUILLMO	16		CA QUIPILLACTA	830911		UNCF
VILCHESE GONZALEZ LEONILDA			VF HUANCABAMBA	831221		UNCF
VILCHESE GONZALEZ MARIBTO			VF HUANCABAMBA	831221		UNCF
VILCHESE GONZALEZ MARIBTO			VF HUANCABAMBA	831221		UNCF
VILCHESE HERNANDEZ TENDOCIO	36		TY PAUCABAMBA	841000		UNCF
VILLACORDY CHAVEZ HERNANDEZ				831004		UNCF
VILLALBA CARABANA VICTOR			HU AYACUCHO	841103	GE AYACUCHO	UNCF
VILLANTER PALOMINO FREDY	24	ST	HA HUANTA	831113	ESTADIO	UNCF
VILLANUEVA HUGUIMAYAN PEDRO	72			831115		UNCF
VILLAR ARRIETA FELICIANO			HA MOSOCCLACTA	830810		UNCF
VILLAR ARRIETA POLICARPO			HA MOSOCCLACTA	830808		UNCF
VILLAR CORTADENA WALTER GREGORIO				83		UNCF
VILLER CALACUNTO MAXIMO	35	AG	CA CHISPILLACTA	830221		UNCF
VIZCACHO HERNANDEZ EDUARDO				840108		UNCF
VIZCACHO ARANDA ALDO	23		CA PAMPA CAMALLO	841003		UNCF
VIZCACHO ARANDA EDUARDO	25	LO	HU AYACUCHO	841220		UNCF
VIZCACHO AYALA GONZALEZ	27	LO	HU AYACUCHO	841210	LOS CABITOS	ARMY
VIZCACHO GARCIA ARANDA	13		HU CHARA	830411		UNCF
VIZCACHO VELASQUEZ FORTUNO	46	AG	HU CHARA	830324		UNCF
VIZCACHO VICTOR HERNANDO	20	AG	TY CHICHIMARSI	840920	ARMY PAMPAS	ARMY
VIZCACHO DE LOS RIOS ERYEN	48	LY	TY CHICHIMARSI	831121	LOS CABITOS	UNCF
VIZCACHO DE LOS RIOS ROMULO	58	CS	TY CHICHIMARSI	831121	LOS CABITOS	UNCF
VIZCACHO GUERRA HUGO GUILLERMO	76		HU AYACUCHO	831103	LOS CABITOS	UNCF
VIZCACHO GUERRA FORTUNATO	40	CS	TY CHICHIMARSI	831121	LOS CABITOS	UNCF
VIZCACHO PALOMINO CARLOS ROSA	19		CA VILCACHAMBA	830630		UNCF
VIZCACHO VICTOR				830810		UNCF
VIZCACHO VICTOR				831105	ARMY PICHARI	UNCF
VIZCACHO VICTOR	34	TE/EM	HA HUANTA	831105	ARMY PICHARI	UNCF
VIZCACHO VICTOR				831104		UNCF
VIZCACHO VICTOR	14	ST	HA HUANTA	831027	ESTADIO	UNCF
VIZCACHO VICTOR				840221		UNCF
VIZCACHO VICTOR				831704		UNCF
VIZCACHO VICTOR				840329		UNCF
VIZCACHO VICTOR	19	ST	HU AYACUCHO	830722	LOS CABITOS	UNCF
VIZCACHO VICTOR	21	ST	HU AYACUCHO	831031		UNCF
VIZCACHO VICTOR				840701		UNCF
VIZCACHO VICTOR			CA AREDO DE VERACRUZ	830504	ARMY TOTOS	UNCF
VIZCACHO VICTOR				831015		UNCF
VIZCACHO VICTOR		FW	HA HUACABAMBA	830513		UNCF
VIZCACHO VICTOR				830626		UNCF

Mr. YATRON. Our final witness is Mr. George Rogers, Associate at the Washington Office on Latin America. Mr. Rogers, please go ahead with your statement.

**STATEMENT OF GEORGE ROGERS, ASSOCIATE, WASHINGTON
OFFICE ON LATIN AMERICA [WOLA]**

Mr. ROGERS. Thank you, Mr. Chairman. It is a pleasure to appear before the subcommittee.

Our office was established 11 years ago by church leaders and academics to monitor human rights conditions and political developments in Latin America, as well as U.S. policies toward that region. Over the last 5 years, I have been following events in Peru for WOLA and have investigated human rights abuses and political conditions there on three recent trips.

Last July, I joined Nobel Peace Laureate Aldo Perez Esquivel of Argentina, Bishop Erman Casey of Ireland, and other distinguished individuals in an international mission to investigate human rights abuses in Peru. I would like to submit the report from that trip, if I might, it is a short interim report, for the record.¹

Mr. YATRON. Without objection.

Mr. ROGERS. While I am at it, I have another report, a short statement by all the human rights groups in Peru which was signed earlier this year which details to some extent the background on the human rights situation there.²

Mr. YATRON. We will include those, without objection.

Mr. ROGERS. Thank you, Mr. Chairman.

I don't think there is a need to elaborate on the detailed situation given by my colleagues on the human rights abuses in Peru. They have been quite accurate, and I think it is important that you are having these hearings today to point out our concern over these events.

Suffice it to say that, since December 1982, Peru has had the worst human rights record of any South American country, that is from Colombia on South, in terms of political prisoners, disappearances, cases of torture and extrajudicial executions. Estimates are between 5,000 and 7,000 individuals have died as a result of the violence in that country. This has been carried out primarily by the military in its counterinsurgency struggle with the violent Shining Path guerrillas.

Among other things, the strategy of military includes what some call a strategic hamlet strategy. They have established antisubversive bases in various areas of the emergency zone in which rural dwellers are forced to migrate and remain under military control. They are also forced to participate in civil defense patrols out of which various abuses occur, neighbor against neighbor, village against village, et cetera.

Since President Garcia has taken office, I think it is important to note there have been 58 disappearances. Nonetheless, he has said on various occasions that he will investigate not only these disap-

¹ See appendix to Mr. Rogers' prepared statement.

² See appendix to Mr. Rogers' prepared statement.

pearances, but also disappearances and other abuses that have occurred under the previous government.

I would like to point out that most Peruvians feel caught in the cross-fire of this violence.

When I was in Peru a year and a half ago, in August 1984, I met with the mayor of the small town of Quinoa, which is located about 1½ hours outside of the city of Ayacucho, where the military has its control center for this emergency zone. He came to me with tears, telling me of 14 townspeople who were murdered 2 weeks before that by the military and asked me, implored me, that I try to do something when I returned to Washington to see that this stopped.

I saw him again in July of this year on this international mission that I participated in, and he reported to me that since we last met, seven other members of his community had been killed by civilian defense patrols, 400 of the community shops having been robbed by those same patrols. Why? Because he is being caught in the middle. The military have been asking his village to participate in these civilian defense patrols, but they do not want to do that because if they do so, there is a possibility the Shining Path would attack them.

Nonetheless, they went to visit President Belaunde to ask for his protection both from the Shining Path and other civilian defense patrols that continue to attack them. While I was there, after meeting with him, the mayor asked me to speak with the head of a Civil Guard post just to explain our presence in the hopes that no reprisals would ensue from our visit.

In another area of Peru, in the area near Lake Titicaca, called Puno, we visited the small town of Chupa, where we met with town authorities, peasants and peasant leaders in a small school room. All the women sat on one side and the men on the other in their traditional dress, and the mayor and other town leaders and peasants, who had walked a number of hours to see us, came and spoke with us of their concern about recent developments there. This area is considered by the military to be a "pink" zone. It is starting to become terrorist, the Shining Path is trying to recruit people there. Yet this village is determined not to join with the Shining Path. Nonetheless, they have been threatened and attacked by the Shining Path for not supporting them.

In October of last year, the Shining Path attacked a police post in this town and killed one of the civil guard policemen. The next day, the civil guard returned to the town, broke down doors of 40 or 50 houses, pulled people out, stole the few articles of any value that they had and hauled off six professors, four of which I was able to meet with. Since then, four students have disappeared and another student has been tortured by the military authorities in the region in an attempt to find out what the Sendero Luminoso is doing.

I think it is important to talk a little bit about the causes of human rights violations. We have mentioned the antisubversive strategy employed by the military. In my discussion with army generals, both retired and active, they said specifically that the military is trained to kill, and they cannot be blamed for doing anything but that.

There is the case of Accomarca, which was recently mentioned, where between 40 and 60 members of the small village were massacred in August of this year. Well, the Lieutenant, Telmo Hurtado, who has been accused of that, has basically said, "Look, the problem is you can't distinguish between your enemies and friends, this is a 'red' zone or a 'hot' zone, and this is the way we have to act." He went on to say, trying to explain why children were even killed in this massacre, that indoctrination begins at age two into the Sendero Luminoso cause.

There is a manual of counterinsurgency war that was written in July 1966 which is still being read in Peru by the military forces, which goes on along these lines to say that, and I quote, "The soldier normally has great aversion for political types of operations and for repressive measures against women, children and the infirm of the civilian population, at least until he is extremely well indoctrinated about the necessity of these operations."

I want to go on and just point out the Shining Path violence and terrorist acts are a rationale for a military response, for a need to bring peace to the region, but certainly not the response that we have seen in Peru.

The Shining Path is a well-entrenched organization that had a 15- to 20-year gestation period centered in the Ayacucho region of Peru. The economic crisis in the region has been in existence for numerous years has fueled their recruiting.

There has been long-term poverty and injustice in Peru. In 1983, however, the economy really bottomed out. The gross national product dropped 20 percent, inflation was 150 percent, the buying power of the workers decreased 40 percent. I think if Congressman Bonker was here right now, he could tell you about the shantytowns in Lima he visited where one could evidently see the poverty which creates a 60-percent malnutrition rate among children, 20 percent of children have tuberculosis, and the infant mortality rate is 98 per thousand, where in the United States, it is about 11 per thousand.

Pope John Paul the Second saw these conditions when he was in Lima and when he visited Villa El Salvador, one of the shantytowns outside Lima, and he declared spontaneously "Peruvians need not only the spiritual bread of life but real bread in order to live."

In terms of solutions, President Garcia sees stark poverty as the cause of violence in Peru, and he is working to change the economic relationships which perpetuate or worsen the poverty. In his September 1985 address to the United Nations, he outlined his intention to focus on poverty. He said, "It is not by chance that terrorism has appeared in the most backward regions of the country. There is a close relationship," he added, "between the economic history, the foreign debt and the misery that promotes violence in the Andes."

Garcia has embarked upon a moralization campaign to reorient Peru. I am just going to quote again from his U.N. speech. "It is another crime against mankind, just as serious as drug trafficking, to increase interest rates, lower raw material prices or squander economic resources on the technology of death while hundreds of

millions of human beings live in misery or are pushed toward violence."

Garcia has taken the offensive against human rights violations, as we have heard, against corruption, against drug traffickers and against needless army expenditures. He has been cutting that budget. He is working strongly to establish economic revitalization and independence for Peru. He is working strongly to bring about peace and an end to subversion, to control the military and to put priority in the budget toward health, nutrition, and education.

Overall, I think he is doing the best job that we can hope for to strengthen democratic institutions in Peru and the long-term prospects for democracy in that nation. This campaign, which he calls his moralization campaign, has brought about a renewed spirit of hope in Peru.

Now I am just going to pass through a few recommendations. I think it is important that the U.S. policymakers don't turn off Garcia, that they continue to listen and look beyond the rhetoric, rhetoric which is based on years of rhetoric within his own party, years of a feeling of being dominated by "imperialistic" powers such as the United States. You hear that word "imperialistic" a lot. I think it is something we need not be afraid of. He is an important leader for Latin America, he has the full support of his people, and he will be around for a long time. The Presidential term is 5 years, but after another 5 years, he might be back in power.

I think the United States needs to be sympathetic on the debt issue. It needs to tell U.S. banks to keep their doors open, which could help U.S.-Peruvian relations. Otherwise Peru could go it alone. They have sufficient reserves to maintain trade with the developed world in the various areas that is really necessary, and I think it is to our advantage to keep our doors open instead of closing them off and making Peru a pariah. Peruvians certainly look at the effect of the U.S. deficit on the interest rates which they are paying and which lead to what they call an unjust situation.

I think it is important to keep up U.S. economic aid, especially food aid and economic support funds, and try to open the trade doors, which hurt Peru quite a bit.

Military aid, I think we should not grant military aid until human rights violations cease, as has been stated here. Garcia is only beginning to get control of the military, and human rights violations still occur. Furthermore, training is not a proven promoter of human rights.

We have a report which a professor from the Colorado Center for Public Policy Research wrote for us this summer on this matter. If possible, I would like to include that in the record.¹

Mr. YATRON. Without objection.

Mr. ROGERS. And also narcotics control, Garcia has made important progress in this area, and I am sure what I have heard is that Peru could use additional aid.

In summary, I think Garcia has taken some positive, important steps to change Peru, and he needs the U.S. support. It would be

¹ See appendix to Mr. Roger's prepared statement.

good for Peru's stability and for long-term relations with the United States for the United States to support him as strongly as possible. I think we have here an opportunity to see if the United States will support a government which is not only trying to respond to the popular will but is determined to respond to the popular will in the face of great adversity.

Thank you, Mr. Chairman.

[Mr. Roger's prepared statement follows:]

PREPARED STATEMENT OF GEORGE ROGERS

My name is George Rogers and I am a full time staff associate at the Washington Office on Latin America. Our office was established eleven years ago by church leaders and academics to monitor human rights conditions and political developments in Latin America as well as U.S. policies toward that region. Our objectives include promoting an informed debate on U.S. policies toward Latin America and contributing to the shaping of a foreign policy that advances human rights, peace and democracy in the hemisphere. Over the last decade, WOLA has provided up-to-date documentation and analysis on Latin America to foreign policy decisionmakers and opinion shapers, including members of Congress, religious and national network organizations, the media, and international organizations such as the United Nations Commission on Human Rights and the Inter-American Court of the Organization of American States.

I have monitored Peru for WOLA over the last five years. I visited Peru three times in the last two years to investigate human rights abuses and political conditions. Last July, I joined Nobel Peace Laureate Adolfo Perez Esquivel of Argentina, Bishop Erman Casey of Ireland, a member of the German Bundestag and other distinguished individuals in an international mission to investigate human rights abuses in Peru. On my trips to Peru I have spoken with local human rights groups, cabinet officers and government officials, active and retired generals, relatives of prisoners and disappeared persons, political party leaders, intellectuals, religious leaders, journalists, peasant leaders and not a few taxicab drivers. My visits to Peru have taken me to Lima; Ayacucho, the center of the violence; Puno, one of the poorest regions; and Cuzco. I testified on human rights abuses in Peru

before the Inter-American Commission of Human Rights of the O.A.S. and before Peru's recently-appointed presidential Peace Commission.

My testimony today will focus on human rights conditions in Peru, the causes of those conditions, possible solutions, President Garcia's moralization campaign and the obstacles he faces, and recommendations for U.S. policy toward Peru.

HUMAN RIGHTS CONDITIONS IN PERU

Since various provinces in and around the Department of Ayacucho were placed under a state of emergency in December 1982, in response to guerrilla violence in the region, Peru has had the worst record of human rights violations in all of South America. Peru's security forces are reportedly responsible for thousands of cases of disappearances, arbitrary arrests, incommunicado detentions and many cases of torture and other barbarous acts, often in secret detention centers. All are carried out with impunity and in the absence of civilian control. As with the case of the "Dirty War" in Argentina, observers believe that many of the disappeared were killed by the security forces in extrajudicial executions, with the corpses either left out in the open as a warning to others or heaped into clandestine mass graves.

The Shining Path, a dogmatic Maoist guerrilla movement, began its violent activities on the eve of President Belaunde's 1980 electoral victory. In 1981, the Belaunde government declared a sweeping antiterrorist law. The antiterrorist law was used in 1981 and 1982 to imprison hundreds of suspected Shining Path members and sympathizers, along with hundreds of student and union leaders, opposition figures, those

involved in community organizations, peasant federation leaders, and peasants. Many of those jailed before 1982 are still awaiting trial, while daily risking death due to overcrowded and unsanitary prison conditions. These abominable prison conditions have given rise to violent riots and hostage-taking, to which the security forces have responded with greater violence and brutality. [Witness, for example, the January 1983 slaying of a Catholic nun and various inmates who had taken social workers as hostages in an escape attempt. As the inmates and hostages were leaving the prison in a prison ambulance, the police opened fire pointblank on the vehicle, then dragged the bodies out by the hair.]

Peru's armed forces were called into the so-called Emergency Zone in December 1982 to supersede the police in the counterinsurgency struggle; thereafter, the greatest problem was no longer prison conditions but disappearances, as the military took virtually no prisoners. The few statistics made available at the time by the military referred to numbers of guerrillas killed in military confrontations, but no bodies were handed over to authorities, no names were given, and the confrontations were not confirmed. Those who were killed were generally considered to be the same people who had reportedly "disappeared" at the hands of the security forces.

Human rights violations have occurred primarily in areas under the state of emergency and military control, centered in three departments in the Andean Highlands: Ayacucho, Apurimac, and Huancavelica. A total of twenty-six provinces in six of Peru's 24 departments (or states) are now under a state of emergency and total military control. In addition to the

use of torture, disappearances and other abuses listed above in the military's counterinsurgency struggle, Peru's armed forces have also employed the "Strategic Hamlet" strategy in remote areas of the Emergency Zone. Members of dispersed rural communities have been forced to abandon their homes and lands and to migrate to regional centers where they are obliged to serve in civil defense patrols. These patrols have been described as "cannon fodder" used when the military searches out pockets of Shining Path activity. Some villages and paramilitary-type squads have been given license by the military to kill suspected terrorists, or hand them over, which has resulted in looting and in exacerbating local tensions and desires for vengeance. Such paramilitary squads were apparently responsible for the January 1983 massacre of eight Peruvian journalists in the remote village of Uchuraccay.

To date, an estimated 5,000-7,000 people have lost their lives since 1982 as a result of the insurgency and counterinsurgency, according to government estimates. Approximately 350 security forces have been killed in the fighting, according to official figures. Most of the bloodshed is the result of a "scorched-earth" policy focussed against suspected guerrillas and sympathizers or supporters. As virtually all of the Shining Path adherents and supporters are of indigenous stock, anyone who looks Indian, young or old, male or female, is considered suspect by the predominantly mestizo security forces, unless they join the civil defense patrols or migrate to military-controlled strategic hamlets. Since the majority of peasants in the emergency zone are suspect because of their race, those who were not killed or made to disappear or have not been integrated into

military-controlled areas generally have migrated to the capitals of Ayacucho or Huancavelica or to larger cities such as Lima, where they face continued poverty and unemployment. Since Alan Garcia was inaugurated at the end of July, his government has received reports of 58 new disappearances.

CAUSES OF HUMAN RIGHTS VIOLATIONS

The antisubversive strategy employed by the Peruvian military is recognized as responsible for the human rights violations outlined above. Retired army generals with whom I spoke recently in Lima characterized the situation as a war and explained that the military are trained to kill and not to implement the sort of social/political/ economic plan which is needed to stop the Shining Path problem at its source.

The violent actions employed by the subversive Shining Path movement certainly have placed urgent responsibility on the government to restore public order. But the extra-legal methods employed by Peru's security forces to put down the rebel movement have shown no respect for life and contravene legal guarantees enshrined in domestic laws and international treaties. The attitude which leads to such killings, not only of guerrillas but of anyone who is suspect, is exemplified by the remarks of Lt. Telmo Hurtado Hurtado, who was signalled by his commanders as the person responsible for an August 14 massacre of men, women and children in Accomarca, Ayacucho. When questioned about the killings by members of Peru's Senate Human Rights Commission, Hurtado stated that the area where the killings occurred was considered "red" or "hot" and that in such an area, one cannot distinguish enemies from friends. Ironically, the Commander in Chief of the Army recently characterized Hurtado as a fighter for democracy.

The Shining Path movement has its roots in a splinter group of the Peruvian Communist Party which obtained its strength from 10-15 years of organization, rural extension work, and integration into peasant communities and schools in Ayacucho, one of Peru's poorest departments. The Shining Path began its violent activities phase in 1980 and reached the zenith of its control and influence in 1982. The Shining Path has engaged in sabotage operations, surprise strikes against police posts, and selective assassinations of rural mayors and government officials. Landowners, those involved in commerce, and small shop-owners were often executed in "people's trials." Although the Shining Path is now weakened, and many members are inactive or in hiding, it continues to gain recruits among disaffected youth who despair at the total lack of opportunity which the future holds for them.

The principle underlying source of social tensions in Peru is the severe and prolonged economic crisis. Peru is living through the worst economic crisis in its recent history. In 1983, the bottom literally dropped out of the economy. The Gross National Product fell nearly 20 percent, tax revenues fell 30 percent, inflation reached over 150 percent per year, and workers lost 40 percent of their buying power. Only 45 percent of the workforce has had a stable source of income. Natural disaster has added to Peru's economic woes. In 1983, a change in weather patterns brought floods to the normally dry Peruvian coast, causing some \$800 million damage, while a drought in the southern mountains caused \$280 million in losses.

The cost of Peru's economic decline has been very harsh in human terms. The World Bank estimated that in 1983, the average caloric intake in Peru

was 10 percent below minimum levels; however, 60 percent of Peru's children are malnourished, 20 percent of them have tuberculosis and the infant mortality ratio is 98/1000 (compared to 11/1000 in the United States). Seventy percent of Peru's homes lack safe drinking water and sanitation, and 89 percent of the rural population live off only 5 percent of the land.

The extent to which the debt exacerbated Peru's economic crisis can be shown by looking at payments made in the year 1982, the last year in which Peru kept up its debt servicing payments, just before the economic collapse. In 1982, Peru's debt servicing equalled 12 percent of the GNP while domestic savings were only 15 percent of the GNP. Thus, 80 percent of domestic savings were diverted to paying the debt that year.

THE SEARCH FOR SOLUTIONS

Peru's economic crisis and the violence of both the Shining Path guerrillas and the security forces have afflicted the majority of Peruvians for the last 5-10 years. Peruvians, for the most part, have patiently demanded just social and economic reforms while using their wits to stay alive. Former President Fernando Belaunde Terry denied that human rights problems existed in Peru; he blamed the terrorism on external forces, and his government virtually ignored the social consequences of adopting IMF-type austerity measures while exporting meager savings to pay interest on the debt. President Garcia has made it clear that he wants human rights violations to end. Also, recognizing that the stark poverty afflicting Peru is one of the root causes of the violence, Garcia recently proposed an emergency development plan for the more impoverished regions of the country--especially areas currently under the state of emergency.

President García, in his September 1985 address to the United Nations, outlined his intention to focus on poverty as one of the root causes of terrorism and violence in Peru. "It is not by chance that terrorism has appeared in the most backward regions of the country," García stated. "There is a close relationship between the economic history, the foreign debt, and the misery that promotes violence in the Andes." An IMF-type austerity program such as that in place since the mid-1970s has exacerbated the misery and death which afflict Peru's poor majority. Further austerity is likely to drive more Peruvians into the ranks of the guerrillas and accelerate the spiral of violence.

THE MORALIZATION OF PERU

President Alan García has taken a series of bold, precedent-setting initiatives in the first two months of his term to restructure various immoral and/or illegal situations, including drug trafficking, corruption, human rights problems, economic relations and the debt. These initiatives have brought hope back to Peruvians, who see García as the last chance for change in Peru. García made a major stab against the drug traffickers early on when his forces, in collaboration with Colombian forces, captured scores of clandestine airstrips, aircraft, processing plants, raw materials and tons of refined products in a major raid last August.

García has also dealt a blow to corruption, especially within the police forces. He relieved thirty-seven police generals and another 130 officers of their duties as part of his clean-up campaign. The García government will soon present its plan to restructure the police forces in order to avoid further corruption.

The corrupt and extremely inefficient justice system will be reformed, according to President Garcia, who has also promised an improvement in prison conditions.

President Garcia has made it clear that human rights violations will no longer be tolerated as part of the antisubversive strategy. In mid-September, for example, Garcia forced the resignation of the chairman of the Joint Chiefs of Staff and began to prosecute three lower officials for their responsibilities in the deaths of seven peasants whose bodies were found near Pucayacu, Ayacucho, in late August in what appeared to be a set-up, a test by the military to see how far they could push Garcia. Unlike previous cases of mass graves, where the victims were naked and had their fingerprints removed and their faces destroyed, all seven bodies were identifiable and corresponded to persons reportedly detained in early August by security forces. Responding to information on an August 14 massacre of over 60 people in Accomarca, Ayacucho, Garcia saw to it that the generals in charge of the zone were relieved of their duties and that charges were brought against those who carried out the massacre. We are waiting to see how Garcia will respond to reports of another massacre in August in the towns of Bellavista and Umaro.

In his efforts to secure long-term protection for human rights, Garcia established a Peace Commission whose objectives include advising the president on the problem of human rights and subversion, reviewing the legal status of those accused of terrorism and establishing procedures for prosecuting the accused, reporting on prison conditions and violence,

reviewing the antiterrorist law, and persuading the terrorists to return to the rule of law. Recently, President Garcia has expressed his preoccupation with and determination to investigate cases of disappearances, and the Fiscal, the attorney general who also acts as an ombudsman, has established an ad-hoc office to investigate cases of disappearances.

Garcia has extended his moralization campaign to the arms race, national budget priorities, international terms of trade, the need for economic reactivation, contacts with foreign oil countries and the foreign debt. While his speeches on these subjects are often rhetorical and dogmatic, the underlying arguments demonstrate a strong preoccupation with longstanding social and economic injustices and the needs of the poor and underprivileged. In his speech to the U.N. General Assembly, Garcia stated, "It is another crime against mankind, just as serious as drug trafficking, to increase interest rates, lower raw material prices, or squander economic resources on the technology of death, while hundreds of millions of human beings live in misery or are pushed toward violence."

In carrying forward the economic and social justice portion of his moralization campaign, Garcia halved the military's request for 24 Mirage jets and gave budget priority to nutrition, health and education. In order to reactivate the economy, he has emphasized small-scale agricultural production and has proposed that export crops, whose revenues helped to pay the foreign debt, be replaced by foodstuffs for local consumption. Garcia has broken the oil exploration and exploitation contracts which were very lucrative for foreign companies and he is limiting imports of manufactured

and other goods to give breathing space to domestic industries. A wage and price freeze brought inflation down to 3% for October; this, combined with lower interest rates, a freeze on exchange rates and other measures, has led to an important rise in Central Bank reserves, which could become Peru's only source of financing for international commerce.

Of all of the aspects of his moralization campaign, Garcia's position on Peru's \$14 billion foreign debt has probably sparked the greatest amount of concern abroad. Garcia stated in his July 28 inaugural address that Peru will pay only 10% of its exports earnings to cover servicing the debt over the next 12 months. Peru is already \$3.1 billion behind in debt payments from the last years of the Belaunde government on top of \$2.5 billion which will fall due during Garcia's first year in office, giving Garcia a \$5.6 billion debt bill by July 1986, which would be approximately 170% of export revenues for the year.

Before the United Nations, Garcia made it known that Peru will not use the International Monetary Fund (IMF) as a mediator with its creditor banks. He further explained his position: "In our talks with our creditors, we do not accept the mortgaging of our economic sovereignty nor foreign policy imposition through the signing of letters of intent that include measures harmful to our people. I wish to tell the world at large that my responsibility as a leader is to the Peruvian people who are my foremost creditors..."

OBSTACLES TO REFORM IN PERU

Undoubtedly, President Garcia's moralization initiatives will not bring results overnight because of opposition from specific domestic and international special interests. Drug traffickers and corrupt police officials who have been forced out obviously wish for a return to the status quo.

The largest obstacle to Garcia's human rights reforms is the Peruvian military, which is accustomed to acting independently. The military is upset by Garcia's desire to control its role in the antisubversive struggle. While the military believes that the government should complement its fighting with economic development projects and the like, it feels that it should be free to stamp out the Shining Path guerrillas militarily, i.e., to retain the freedom to torture and kill suspected guerrillas without fearing judicial reprisals. The police forces are also upset, due to the mass firings of police officials. Nevertheless, given the generally low regard for the police forces, Garcia's moves have garnered widespread support.

For the time being, political groupings have been supportive of Garcia's moralization campaign. Garcia's party, the American Popular Revolutionary Alliance (APRA) controls the Senate and the Chamber of Deputies, so he can count on the support of Parliament for his proposals. The second most important force, the United Left Coalition (IU), generally supports Garcia's policies, as both APRA and IU share goals which include social and economic justice and a restructuring of the economy. Most members of Parliament from all parties--center, left and right--cannot afford not to support

Garcia at this time, given his extremely high popularity ratings. However, that support could disintegrate quickly or turn into outright opposition if Garcia's fortunes were to take a turn for the worse.

President Garcia's stated intentions to pursue various reforms might run into roadblocks if his government does not quickly develop concrete and well-planned programs to implement his goals. In formulating policies for Peru, such as economic measures or development plans for the emergency zone, Garcia has asked for the advice of Peruvian experts from all political persuasions. This large degree of consultation demonstrates Garcia's deep commitment to active and open political participation. However, if such consultations do not result in concrete proposals soon, Garcia's bold initial statements will appear to be nothing more than stabs in the air.

The most problematic obstacle which Garcia faces is the question of the foreign debt and the debt's relation to the economic crisis. As you know, Garcia has taken Peru's debt issue into his own hands, dictating what the current payback terms will be and telling the International Monetary Fund to stay away for the present time. As I have indicated, Garcia views his position on the debt as a moral issue; he is not going to force Peruvians to reduce their current meager consumption, which would provoke further malnutrition, suffering and death, in order that the debt should be paid. Thus, while he accepts that Peru must ultimately pay back its debt, Garcia also asserts that the creditors must assume certain responsibilities, having known full well the risks under which the loans were provided in the first place.

While the Peruvian military are a constant political threat, it is the debt which is perceived as the most pressing problem for Peruvian democracy. The cases of Panama and Bolivia must stand out in Garcia's mind as scenarios to be avoided at all costs. In those countries, as in Peru under Belaunde, the application of IMF-type austerity measures alienated the population, especially the poor, who were forced to pay more for basic goods and services with no corresponding increase in their incomes. The massive opposition which these austerity policies generated recently led to the removal of Panamanian President Nicolas Barletta, who warned that austerity measures were bringing Panama back toward military rule, and led to the declaration of a state of siege in Bolivia. Garcia is well aware of the consequences of such an austerity program for Peru; for that reason he has limited the payment on the debt and is investing in basic development in his own country while engaging in less severe austerity measures. Garcia's ability to garner cooperation and understanding from Peru's creditors, may increase the possibilities for economic growth and will be a critical factor in deciding Peru's fate.

RECOMMENDATIONS

As United States policymakers examine relations with Peru, they should not be entirely put off by President Garcia's bombastic, rhetorical style. It is important to recall the historical antiimperialistic line of the APRA and to analyze in detail the rationales for Garcia's innovative, though often confrontational, positions. Garcia seems to be seeking a strong bargaining position to enable him to renegotiate economic relations with the developed world from a position of strength. He clearly has the overwhelming support of the Peruvian people for his positions on the debt and his moralization campaign, and he is seen by most as the last real hope for Peru. It is extremely important for the United States to support Garcia at this time and to assist Peru in every way it can.

Debt relief: The United States could greatly assist Peru by asking creditors in this country not to close lines of credit. Furthermore, Peru's creditors must recognize that they will have to assume some of the responsibilities for the risks which they took when they lent Peru the money. Debt relief would allow Peru to put savings into productive investments instead of exporting it to pay the debt, and thereby feed economic growth and development, reduce hunger and unemployment, and consequently reduce the field of candidates from which the terrorist organizations draw. If shunned by U.S. and creditor institutions, Peru has enough foreign exchange reserves and trade surpluses to "go it alone" for at least a year. However, if the United States were to promote cooperation with Peru, avoiding this pariah scenario, perhaps Peru would more quickly pull out of its economic crisis and be more favorably disposed to its creditors.

Economic aid: U.S. economic assistance to Peru, through Economic Support Funds (ESF) and the Agency for International Development (AID), has not been provided at a level commensurate with the depth of Peru's economic crisis. In 1982 and 1983, the worst years of the crisis, total economic aid to Peru was \$54.6 million and \$93.4 million, respectively. For comparison's sake, economic aid to El Salvador for 1982 and 1983 totalled \$192.2 million and \$245.6 million, respectively. Increased U.S. aid would help maintain a climate of goodwill between our countries.

U.S. trade, on favorable terms, is also important to Peru's economy, and anything U.S. policymakers can do to keep the trade doors free and open would contribute considerably to Peru's long-term economic stability.

Military aid: The Reagan administration this past spring requested nearly a tripling of U.S. military aid to Peru, to \$29 million, mostly in the grant Military Assistance Program (MAP) account. Your committees voiced disapproval of the increase in military aid, especially given Peru's disastrous human rights record. Since then, Peru has elected a new president and the U.S. Congress has lightened up on the human rights concerns laid out in the Foreign Aid Bill. Given the fact that Garcia is only beginning to establish control over the military and that human rights violations continue to occur, it would be more propitious to hold off before deciding whether U.S. military aid should be provided.

In August, President Garcia and many of his supporters were upset that neither Peru's military nor the U.S. government informed his government of

the joint military exercises which took place in the Peruvian jungle just weeks after his inauguration. Dealing with the military separately from the civilian government is dangerous, especially when the military has traditionally maintained power in Peruvian politics and society. U.S. military training and military aid have not proven to be promoters of democracy and human rights as values among the military of Latin America. Before U.S. military aid to Peru is increased, the concomitant risks to its democracy must be carefully analyzed.

Narcotics control: Given President Garcia's emphasis on curbing illicit drug trafficking, increased U.S. assistance to Peru in this arena would enable Garcia to take additional measures to curb the international drug trade. A strong U.S. commitment to assist Peru now may help avoid a repetition of the situation which developed in Colombia, where the drug mafia acts as an independent political power and was seen as responsible for the murder of Colombia's Minister of Justice.

CONCLUSION

The United States has a tremendous amount of influence in Latin America; it can use that influence for the better or for the worse. Peru's new president, Alan Garcia, has embarked on a moralization campaign to end corruption, human rights abuses, economic injustice and drug trafficking, strengthening Peru's prospects for democracy and long-term stability. The United States can play a major role in bringing stability to Peru by supporting Garcia and the progress which he has initiated. Firm U.S. support for Garcia would go a long way toward building strong friendly relations between Peru and the United States and is in the long-term interests of both countries.

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Human Rights and U.S. Military Aid Programs

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HUMAN RIGHTS AND U.S. MILITARY AID PROGRAMS

"To raise the subject is to give offense;
to keep silent is to become an accomplice."
---Daniel Patrick Moynihan

I. Foreign Military Training Programs: Trying to Change Attitudes and Behavior Through Osmosis (See chart page 6)

Since 1980 the number of Latin American military personnel trained annually under the International Military Education and Training (IMET) program has doubled. Central American and Caribbean trainees have tripled. Worldwide the IMET budget has increased 145% from 1980 to 1985 and the total number of trainees has grown from 3,500 a year to 7,800 in 1985. IMET, however, represents only 1/3 to 1/2 of all U.S. foreign training. An additional 7,000 to 11,000 officers and men are trained each year under the Foreign Military Sales Training (FMS-T) credit and sales programs.

The human rights consequences of this expansion in U.S. military training programs have largely been ignored, partly as a result of repeated State and Defense Department assurances that:

1. "U.S. training includes instruction in the operation, maintenance, and management of the local military establishment leading to an effective, non-political, and professional military." (Congressional Presentation: Security Assistance Programs FY 1986, p.29. Emphasis added.)

2. "Exposure to [American] society, the quality of [our] instruction, and acknowledged U.S. leadership in certain fields, including human rights, play a big part in the formation of pro-American ideas and an orientation to U.S. values." (U.S. Department of State, "Section-by-Section Analysis of the Proposed International Security and Development Act of 1985," p. 28.)

Such statements imply that U.S. training not only produces significant attitude changes in foreign trainees, but also major changes in their behavior after they return to their home countries. Neither claim is consistent with what is known about the content of U.S. training or the political behavior of Third world militaries. Although the analysis which follows focuses on Latin America, the conclusions apply equally to other Third World regions.

Despite the legislative addition of a human rights clause to IMET objectives in 1979, only minor changes have been made in the actual operation of U.S. military training programs. Human rights are mentioned in various courses, but explicit discussion of torture, political prisoners, or military involvement in politics is rare, if

not non-existent. "Human rights" has been added to the list of twelve topics discussed in the Information Program for orientation of foreign trainees, but it is generally assumed that the U.S. commitment to human rights is self-evident in the other topics, e.g. visits to local industries, schools, and government bodies.

In recent testimony before Congress, Assistant Secretary of State Langhorne A. Motley argued that applying the normal human rights restrictions to IMET participation creates a "Catch-22: Develop a course designed to inform future leaders about democracy; then prohibit attendance from the very countries we would like to see move in that direction." No Catch-22 exists, since there is no such course anywhere in or associated with the IMET program. Instead the Defense Department has adopted a strategy of "passive implementation" of IMET's human rights objective. This approach reflects the military's reluctance to offend foreign visitors by raising sensitive issues and their strong belief that mere exposure to American society will achieve the human rights objective.

In actual practice, the substantive content of IMET and FMS-I training is overwhelmingly technical, rather than political. Although enlisted men are often trained abroad, most officers spend from 3 weeks to 9 months in the United States. Given the content of the training and the age and prior education of the trainees, this brief exposure to American society and the American military is not likely to produce major changes in trainee attitudes simply by osmosis. American values are not contagious, despite the persistent belief of IMET supporters that U.S. beliefs about human rights and civilian control of the military are automatically acquired by U.S. trainees.

Since 1950 over 45,000 Latin American officers have received U.S. training. The record of repeated military intervention in all but a few Latin American countries suggests that U.S. training programs have not been an effective vehicle for transmitting American norms about military intervention in politics. Interview-based studies of military officers in Brazil, Peru, and Ecuador have concluded that U.S.-trained officers were equally or more involved in pro-coup coalitions and equally as interventionist as their non-American-trained counterparts. In no case was U.S. training correlated with opposition to military coups or military governments. In both Ecuador and Peru, American-trained officers argued that the enormous political, economic, and social differences between the United States and Latin America made U.S. doctrines irrelevant for their societies.

Even if trainee attitudes were positively impacted, it is doubtful whether these attitude changes would result in changes in military behavior. The cultural and organizational milieu to which these officers return is generally not supportive of U.S. beliefs about the role of the military or the importance of human rights. U.S. trainees are generally a minority within their own military. Only a small percentage reach real positions of authority, usually many years later. Particularly when the military is confronted with threats to its own survival, as in any serious insurgency, limited

exposure to U.S. training cannot be expected to prevent officers from supporting non-democratic governments or abusing the rights of political prisoners. Since 1950 U.S.-trained officers, like Generals Pinochet and Somoza, have often lead military governments, some of which have been responsible for serious human rights violations.

Given the inherent difficulties in trying to change Third World military behavior through brief encounters with American society, there is little to be gained by trying to overcome U.S. military resistance to a more forceful implementation of IMET's human rights objective. By the same token, there is no reason to believe that IMET or FMS-T training makes any measurable contribution to the realization of U.S. policy goals for human rights.

II. Buying Influence Through Military Aid: Unlearning the Lessons of the Seventies (See chart page 7)

Other U.S. military aid programs have expanded even more rapidly than IMET. Despite recent public sentiment in favor of limiting defense spending, grant military assistance (MAP) and credit military sales (FMS Financing) budgets have increased by more than 600% since 1980. The proposed increases for FY 1986 are in each case greater than that program's total budget in 1980. This explosive growth in military aid programs reflects a major conceptual change: the renewed belief in military aid as a political tool for access and influence with military elites around the globe. The scope of U.S. military aid programs has changed accordingly. In FY 1979 17 Third World countries received grant military aid; only four received more than \$1 million dollars. By FY 1985 the total number of Third World recipients had grown to 29, with 26 of these receiving \$1 million or more, including countries like Botswana, Malawi, Niger, and Belize. For FY 1986 the Administration has proposed adding Haiti, Burma, and Equatorial Guinea to the list of grant military aid recipients. Grant military training has likewise expanded from 42 countries to 90 countries, including virtually the entire non-communist Third World.

The current conception of military aid as a political tool to influence the policy behavior of foreign governments runs counter to many bitter lessons of the last decade.

---In both Iran and Nicaragua, close military-to-military ties publicly identified the U.S. with repressive governments. In both cases, these ties made it difficult for the U.S. to distance itself from incumbent regimes, which were crumbling in the face of civil unrest. In both instances, identification with the local military impeded the development of normal relations with successor governments.

---In many instances, including Nicaragua and Guatemala, local militaries have exercised reverse influence via military aid channels, using the U.S. military and the Defense Department to lobby other branches of government for policies favorable to the interests of the client, rather than the donor state.

---In Brazil, where the U.S. once had its largest Latin American military program, the U.S. used its influence with the Brazilian military to support the 1964 coup, which led to 21 years of military government and serious human rights violations. The Brazilian military's close ties to the U.S. did not prevent serious conflicts over U.S. human rights policies, fishing limits, and Brazilian refusal to sign the nuclear non-proliferation treaty.

---Proportionately Peru received large amounts of military aid in the 1950s and early 1960s. Yet, the military government from 1968-1975 was strongly nationalistic, partly in reaction to earlier U.S. attempts to use military aid to force the Peruvian military to accept U.S. policies which they opposed.

---As in Southeast Asia, close military ties with Third World countries may create security interests, which then "have to be" defended to maintain America's credibility as an ally, where previously no major U.S. interests existed.

The current attempt to create a global network of U.S. influence via expanded military aid programs rests on simplistic assumptions about the relationship between access, influence, and U.S. interests. Careful analysis of the experiences of the last decade suggests that U.S. influence is largely limited to countries with compatible conceptions of their national interests, regardless of the size of U.S. military aid programs. Despite occasional ideological differences, Mexico has been a stable and reliable ally because U.S. and Mexican interests are closely related. Proportionately, the U.S. military aid program for Mexico has been one of the smallest in Latin America.

III. Unintended Consequences:

Aggravating the Institutional Imbalance Between Civilian and Military Organizations

Even though exposure to U.S. training generally has little impact on individual behavior, there is growing evidence that foreign military training and military aid do have important institutional effects. What trainees do take back to their home countries are the military and technical skills which are the primary focus of U.S. training programs. Administration statements often refer to this transfer of "technology, management expertise, and increased trained manpower" as "nation-building." In practice, these organizational and technical skills are not transferred to the nation at large, but to a single institution, the military, which comprises less than 1 percent of the population. The principal impact of foreign military assistance programs is to enhance the technical and managerial capabilities of local military forces. In countries with weak civilian institutions, weak economies, and high levels of conflict, strengthening the organizational capabilities of the armed forces aggravates the institutional imbalance between civilian and military forces in politics.

In Latin America, studies of civil-military relations have repeatedly concluded that the military's increased technical and managerial skills played an important role in the wave of institutional military coups and military governments during the last two decades. Better training leads to increased confidence among military leaders that they have the skills and abilities necessary to run the country. The credibility of doctrines opposed to military intervention in politics is undermined when officers come to see themselves as more competent than civilians. In politically unstable environments, external transfers of military and organizational technology almost invariably lead to greater military involvement in politics and to diminished respect for human rights. Military governments are by definition a denial of political and civil rights. Military governments are also more likely to engage in systematic violations of the integrity of the person.

U.S. military assistance programs are only one contributing factor to this pattern of institutional imbalance. European military programs, though smaller, have similar effects. Much of the problem, especially on the civilian side, is the result of domestic, rather than external causes. Nevertheless, the role of U.S. military aid in perpetuating and aggravating this imbalance is significant, particularly in Central America. Historically, the Central American militaries have been small and only weakly professionalized. Given the greater organizational deficiencies of civilian institutions, the military was still the dominant political actor. The massive infusion of military aid to the region since 1979 threatens to make that role permanent, despite Administration efforts to use its influence to promote elections and civilian government. In South America, the disastrous results of recent experiments in direct military rule have temporarily diminished military self-confidence and prompted a return to less interventionist doctrines. Given the legacy of foreign debt and de-institutionalization left by recent military regimes, the task of institutionalizing civilian rule is already enormously difficult. In the long term, expanded U.S. military aid programs increase the risk of a return to direct military rule.

IV. Recommendations:

Military Aid as a Purely Military Program

This analysis suggests that the cause of protecting human rights will be best served in the long run by returning to a purely military conception of our military aid programs. In this view, we should provide grant military aid and training or foreign military sales credits only to those Third World countries where U.S. security interests are served by strengthening local military forces. Military assistance should not be provided unless the following exists:

1. certification that the general human rights provisions of the Foreign Assistance Act have been satisfied, and

(continued on page 7)

FIGURE 1.
INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET)
TRAINEES AND EXPENDITURES FY 1980-FY 1986



a. estimate

b. requested

Sources: Congressional Presentation: Security Assistance Programs FY 1981, FY 1983, FY 1984, and FY 1986

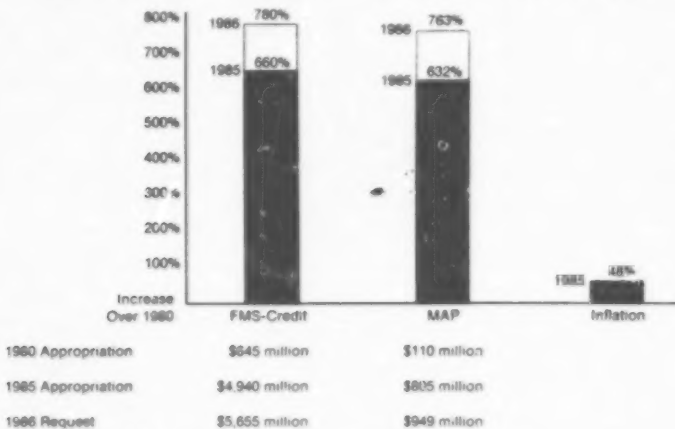
(continued from page 5)

2. certification that effective civilian control of the military exists in the recipient country, or

3. certification that vital U.S. security interests require an exception to these requirements.

Attempting to use military aid and training programs to purchase political influence in every Third World nation contributes little to U.S. security and less to the promotion of human rights. Notwithstanding the efforts of the American military to comply with the human rights provision of the IMAE program, human rights--particularly political rights--are not enhanced by military aid programs.

FIGURE 2.
INCREASES IN MILITARY AID PROGRAMS WORLDWIDE, FY1980-FY1985



Source: Congressional Presentation: Security Assistance Programs FY 1986, pp. 9-11, 73.

DECLARATION OF THE FIRST NATIONAL CONFERENCE ON HUMAN RIGHTS
FOR LIFE AND PEACE WITH SOCIAL JUSTICE IN PERU

JANUARY 20, 1985

LIMA, PERU

The undersigned institutions, organizations, and citizens participated in the First National Conference on Human Rights, held in Lima on January 19th and 20th, 1985. After analyzing the country's human rights situation, including its economic, civil, political, and social aspects -- and particularly the right to life and respect for personal integrity -- we are compelled to state as follows:

1. Today Peru is experiencing its most serious crisis of the 20th century, an economic crisis resulting from the international situation and from a misguided national leadership which has benefitted the interests of a minority. Thus, inflation is over 100%, the productive apparatus of industry and agriculture is at a standstill, unemployment or underemployment affect two of every three Peruvians, and the serious problems of poverty and hardship, above all for the poorest Peruvians, have only worsened. The moral underpinnings of this crisis also affect the government officials and institutions responsible for defending life. One result of this crisis is corruption, which extends throughout society.
2. In this context, the overwhelming majority of Peruvians suffer from a systematic violation of their rights, such as the right to work, to health, to housing, to education, and to well-being in general. In response to the just and peaceful demands of the workers, peasants, and slum-dwellers, the state has generally resorted to excessive force and even indiscriminate repression, in practice disregarding the true causes of the people's demands.
3. There is no question that violence has penetrated all spheres of Peruvian society. Centuries of neglect have also led to violent solutions. We must point out that organizations such as Shining Path -- who claim to be promoting justice in Peru by carrying out acts of terrorism, attempts on the lives of and murders of local authorities, civilians, and police forces -- share responsibility for this spiral of violence. Along with forcefully denouncing such acts, we point out that these actions should be punished in strict compliance with the laws of the Republic of Peru. Similarly, we declare that a fraternal society cannot be built without the active participation of the Peruvian people's organizations, which must forge their own just, peaceful, and democratic destiny.
4. The irrational behavior of military and police forces in their confrontations with subversive forces -- and legitimated by the Doctrine of National Security -- is deserving of our most forceful condemnation. Defense of law and order in the face of subversion

should be carried out in accordance with the laws of the Republic of Peru. Democracy and justice cannot be defended by suppressing basic human rights. The antisubversive strategy foments further violence such as systematic "disappearances" which, according to denunciations, now total about 1000; torture of those taken prisoner; extra-legal executions; clandestine mass graves; etc. Poignant indications of this strategy are the cases of Puccayacu, Pichuy Rumi, Paracuti, Oropeza, and Ayala Sucla, as well as hundreds of others that have been denounced to date. The cases of Soccos, M. A. Ayerbe and Nufflo are evidence of the abuse of power by the police forces.

Furthermore, the promotion of paramilitary groups -- Civil Defense Committees, (i.e. "Montoneros") -- and the series of confrontations they have had with peasants must be condemned.

There is no respect for life, especially in areas affected by the State of Emergency in the departments of Ayacucho, Huancavelica, Apurimac, Huanuco, San Martin, and Cerro de Pasco.

5. Two factors reinforce this situation. First, the main institutions responsible for guaranteeing law and justice have failed to carry out their mandate. The Judicial Branch, the Attorney General's office (Ministerio Publico), the Parliament and the Executive Branch have revealed their limitations or ineffectiveness, as they have not fulfilled their responsibility of guaranteeing basic human rights and punishing those responsible for human rights violations. Secondly, the Executive Branch in particular has not set forth any alternative pacification plans in the emergency zones. Abdicating its authority, it has simply turned over increasingly extensive areas to Armed Forces and Police control. The government has responded with violence to a problem rooted in economic, political, and social conditions.

6. We emphatically declare that we are for life and peace with social justice. We believe there is no political or ideological reason, nor any reason of state nor of a particular group, which justifies murdering or mistreating human beings. The rights to life can involve no discrimination whatsoever, whether by sex, race, religion, opinion, or language. Thus we propose that all Peru make a commitment to defend respect for life, and to work for peace with social justice. We also reaffirm that defense and promotion of human rights is intrinsically linked to democracy not only as a political phenomenon, but also economically and socially, i.e. to the well-being of the Peruvian people.

7. We believe that the following are necessary to bring peace to Peru:

-An active commitment on the part of all social, union, professional, cultural, and regional organizations, and all political parties, to work to defend human rights.

-A thoroughgoing change in the government's activity, which would make the promotion of social justice and respect for basic rights a top priority, restoring constitutional guarantees that have been annulled or suspended, and also restoring civilian authority.

-National institutions such as the Parliament, the Judicial Branch, and the Attorney General's office must guarantee due respect for human rights, as set forth in the Constitution.

-A significant change in the activities of the Armed Forces and Police Forces, including an end to all methods incompatible with the Constitution, the laws of the Republic of Peru, and respect for human rights. The state does have a right to guarantee security and internal order as stipulated in the Peruvian Constitution (articles 269 and s.s. 231, item a).

-Effective participation of civic, social, and peasant organizations in the emergency zones, so that such organizations can once again play a key role and help bring about democratic government in the region.

-Immediate implementation of a national development plan, with priority given to the country's poorest and most neglected regions, so as to provide for the basic needs of the population.

-National and international human rights organizations must be allowed to effectively investigate the country's human rights situation, in accordance with the law and with the values upheld by all civilized nations.

-In order to achieve peace those responsible for crimes and abuses must be duly punished.

On the Second Anniversary of the murder of the eight journalists in Uchuraccay, we express our solidarity with their relatives and we demand that the facts be set straight and those responsible be duly punished.

Lima, January 20, 1985

[Translation provided by the Washington Office on Latin America.]

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PARTICIPANTS IN THE FIRST NATIONAL CONFERENCE ON HUMAN RIGHTS

LIMA, JANUARY 20, 1985

Asociación Pro Derechos Humanos
 Comisión Episcopal de Acción Social
 Comisión Nacional de Derechos Humanos
 Comité Coordinador Mártires de Uchuraccay para
 la Defensa de los Derechos Humanos
 Grupo de Apoyo a FEDEFAM
 Servicio de Paz y Justicia
 COMITE DE DEFENSA DE DERECHOS HUMANOS (CODDEH) - Puno
 CODDEH - Cusco
 CODDEH - Ica
 CODDEH - Piura
 CODDEH - Pucallpa
 CODDEH - Huanuco
 CODDEH - Ayacucho
 CODDEH - Putina
 CODDEH - Azangaro
 CODDEH - Sicuani
 CODDEH - Nasca
 CODDEH - Quillabamba
 Comité de Sequestrados
 Detenidos y Desaparecidos de Ayacucho
 Comité de Familiares Mártires de Uchuraccay
 Comité de Familiares Desaparecidos Residentes en Lima
 Comité de Familiares de Presos Políticos de Izquierda Unida e
 Independientes
 Comisión Andina de Juristas
 Instituto de Defensa Legal
 Concilio Nacional Evangelico Peruano
 Comisión Distrital de Derechos Humanos de El Agustino
 Asamblea Permanente de Derechos Humanos de Moquegua
 Comité de Derechos Humanos del Decanato de la Avenida Tupac Amaru
 Comisión de Derechos Humanos de la Parroquia Santa Angela de Merced
 Comisión de Justicia Social, Chimbote
 Comité de Derechos Humanos de la Parroquia de Marcona
 Comité de Solidaridad y Derechos Humanos, San Martín de Porres, Chancay
 Comisión de Derechos Humanos, San Juan de Lurigancho
 Comisión de Solidaridad y Defensa de los Derechos Humanos
 Parroquia Virgen de Nazareth, El Agustino
 Comisión de Solidaridad Cristiana
 Asociación Trabajo y Cultura
 CIESCA - Huancayo
 Comité de Apoyo y Solidaridad, Peru
 Asociación de Abogados Democraticos, Lima
 Asociación de Abogados Democraticos, Ayacucho
 Movimiento Manuela Ramos
 Movimiento Mujeres en Lucha
 Centro Flora Tristán
 Servicio Universitario Mundial, Peru
 Comisión de Derechos Humanos del Sindicato de la República
 Confederación General de Pobladores del Peru
 Confederación Campesina del Peru

INTERNATIONAL COMMISSION TO INVESTIGATE HUMAN RIGHTS IN PERU

PRESS RELEASE

July 15, 1985

I. PURPOSE OF THE MISSION1. The European Coordinating Council and the International Commission

This investigation of Peru's human rights situation was carried out by a Commission made up of international figures, at the request and under the responsibility of the Permanent Coordinating Council of European Committees for the Defense of the Rights of Man in Peru. Four members of this Council accompanied the Commission. This Council coordinates the actions of European committees in solidarity with Peru, working on the basis of support for human rights, in seven countries: Belgium, England, France, the Federal German Republic (West Germany), the Netherlands, Spain, and Switzerland.

On September 30, 1984, the coordinating body was established in Geneva. The Secretary's office is at Louvain-la-Neuve, in Belgium. Adolfo Pérez Esquivel, Nobel peace laureate, has been entrusted with chairing the International Commission, which includes representatives from three continents (Latin America, North America, and Europe). As set forth in the general objectives defined by the European Council, the Commission has enjoyed complete independence in carrying out its investigation.

2. The Timeliness of an Investigative Commission at this Moment

The idea of establishing an Investigative Commission to look into Peru's human rights situation emerged both within the European Council and through our contacts with Peruvian human rights organizations. The Commission represents, above all, a gesture of solidarity among democrats in Europe, the Americas, and Peru. This action in no way constitutes intervention in the sovereign affairs of any country.

On the one hand, the establishment of the International Commission has been requested by Peruvian human rights organizations due to stepped up violations of such rights, above all since emergency zones were created. On the other hand, international public opinion has been alerted by many Peruvian figures (including bishops, congressional deputies, prosecutors, and lawyers). Deep concern has been growing above all in the past year in Europe and North America due to phenomena that are typical and well-known in countries that have been militarized and have experienced the resulting spiral of violence (disappearances of leaders and journalists; discoveries of mass graves, etc.).

The best evidence of our wish to respect Peru's sovereignty

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is our decision to set up the Commission at a point in time at which the change in government is already underway. Thus we are not coming on the scene as those who would destroy a government closing out its term; to the contrary, we wish to contribute in a completely positive fashion to rebuilding the social fabric of a country we all deeply care for.

3. Purpose of the Mission

The main idea of the mission is to carry out an investigation of the human rights situation in the broad sense of the term, as defined in the Universal Declaration of Human Rights, which has been incorporated into Peruvian legislation.

Thus the all-encompassing conception of our mission has differentiated it from other international commissions in the sense that the investigation has dealt not only with personal rights, but also with civil, political, economic, social, and cultural rights.

II. WORK OF THE COMMISSION DURING ITS VISIT TO PERU

The members of the International Investigative Commission on Human Rights in Peru, having concluded the work we began on July 4, report the following to Peruvian and international public opinion:

1) We reiterate that our work has in no way constituted intervention in the internal affairs of Peru, but rather is a gesture of international solidarity in an effort to bring about better understanding of the human rights situation, based on direct contact in the field. This responds to the tremendous concern that denunciations of violence in Peru have provoked abroad.

2) On winding up this first stage of our work we take this opportunity to point out those aspects which, in our judgment, are most serious and require urgent attention; we will later present the report, which will more thoroughly express what we have learned through our direct contact with the fraternal people of Peru.

The methodology we have employed to obtain first-hand information has been:

1) To visit contrasting regions, including first of all areas declared to be Emergency zones, such as Ayacucho, Huanta, Quinua, Huanuco, Tingo Maria, and Cerro de Pasco; and later areas not in an emergency situation, such as Puno, Quillabamba, Cuzco, and Lima.

2) To interview national and provincial civil, military, and regional authorities.

3) To interview members of grass-roots organizations such

as unions, Committees for the Defense of Human Rights, slum-dwellers, mothers' clubs, health groups, university groups, employers' organizations, workers and peasants, and relatives of disappeared and murdered persons, and of prisoners.

We wish to stress the great openness with which we have been received both by authorities and by non-governmental organizations, and the concern to find a solution to the serious problem of violence and lack of security plaguing Peru today.

A. CONCLUSIONS

- The human rights situation in Peru today unfolds in a social-political context characterized by insufficient health care, nutrition, employment, education, and services. Such circumstances are even worse in rural areas and marginal areas around urban centers.

- The pressure of the foreign debt makes it very difficult to achieve a balanced domestic financial situation; the debt is increased by large investments in arms and military equipment, to the detriment of funding for social development.

- The situation of political and social violence generated by these factors has been confronted by implementing a "state of exception" as provided for by article 231 of the Peruvian Constitution.

- In turning control of those areas declared to be in a State of Emergency over to the armed forces, the country's political life has become militarized, bringing about a de facto abrogation of the democratic structure of checks and balances among the branches of government.

- The limits of the State of Emergency provided for in paragraph a) of article 231 of the Constitution -- limitations on personal liberties and security, inviolability of the home and freedom of assembly and movement -- have been surpassed in practice, affecting rights and freedoms not affected by said article, thereby jeopardizing the very foundation of the rule of law.

- Since the declaration of the State of Emergency in different zones, there has been an increase in the practice of torture as a means of obtaining confessions, and the onset of phenomena such as extrajudicial executions, mass graves, and forced disappearances.

- The generalized practice of forced disappearances uses the same methods as systems previously used in Latin American countries that have been subjected to military dictatorships and those that, though formally democratic, have been under a permanent state of exception.

- Political violence in rural areas has taken its toll on

peasant communities, which have been forcibly organized into "civil defense" patrols, known as "montoneras", which have contributed considerably to the spiral of violence in the Emergency zones.

- The many killings, attacks, and violations of rights affecting the peasant population and the lack of response by the police and judicial authorities to this overstepping of bounds have forced many rural dwellers to emigrate from the emergency zones to urban centers. This uprooting has involved considerable sacrifice and hardship, with people having to leave many of their belongings behind.

- The number of denunciations that this International Commission -- and others that have preceded it -- have received, together with the lack of corresponding statistics in the hands of Peruvian authorities is a worrisome factor making it difficult to confirm the extent of violations of basic human rights.

- The generalized application of the concept of terrorist set forth in article 1 of decree law 046 gives rise to a wide-ranging legal insecurity affecting professionals, university students, teachers, leaders of trade unions and social organizations, journalists, and persons committed to protecting and guaranteeing basic rights.

- Members of organizations devoted to protection of human rights are the target of attacks and threats that seriously endanger their personal security, in an effort to disarm civic initiatives aimed at safeguarding essential human freedoms. The impunity with which such actions have been carried out may deteriorate the social fabric and promote methods of direct action supported by political organizations advocating armed struggle.

- The Judicial branch and the Attorney General's office (Ministerio Público) have been denounced for improper functioning on a variety of occasions from different social sectors. This abnormal state of affairs is manifested in corruption, negligence, excessive red tape, and the forfeiting of certain functions entrusted to it by the Constitution and the law. As a result, the State as a legal entity has been rendered ineffective vis-a-vis violations of its legal order.

- Those accused of participating in terrorist activities have less and less chance of having an adequate defense due to the low level of activity of the Attorney General's office (Ministerio Público) as regards carrying out its functions, and the transfer of all those detained to the Lima District Court, thereby making it impossible to be judged in the region where the events took place.

- The generalized application of unconditional imprisonment and the extreme delay in trials, together with wretched conditions in the penitentiaries, make for a permanently tense

atmosphere, which has been expressed in the many riots, kidnappings of prisoners, and murders committed in the jails.

- The number of people being found not guilty as compared to those convicted of violating antiterrorist legislation reveals the lack of solid evidence presented in the course of the trials, and cause permanent harm to those who have been held in prison for a prolonged period on the basis of suspicion alone.

- The high level of social organization in the base communities, peasant communities, trade associations, unions, and university groups, supported by the concern and participation of sectors of the Catholic Church and other religious faiths, are a factor of hope that the current political situation may change.

- All sectors contacted by this International Commission have expressed their hopes in the new political period that has been ushered in by the recent elections.

B. RECOMMENDATIONS

In view of the above-mentioned circumstances, the International Commission hereby sets forth, on a provisional basis, the following recommendations:

- The use of repressive measures by the State should be gradually replaced by political decisions aimed at achieving the pacification and development of Peruvian society.

- An amnesty, or general or specific pardons, should be considered as possible measures to contribute to political and social pacification.

- The extension of the Emergency zones to other parts of Peru would only further aggravate the ills denounced above, without solving any of the ongoing problems that give rise to social conflict.

- Specification torture as a crime in Peruvian legislation and application of the international sanction of declaring forced disappearance of persons to be a crime against humanity would be effective measures toward the eradication of these phenomena.

- The use of all legal actions outlined in the Peruvian judicial system, including habeus corpus and appeal, along with the exhaustion of domestic legal remedies, would allow human rights violations to be raised in international fora.

- Legal assistance services for all relatives of disappeared and murdered persons extended by Church organizations and humanitarian associations would facilitate protection of their rights and render difficult the flagrant violations observed to date.

- Protection for human rights organizations and personal

guarantees for their members would contribute to reinforcing the social response to attacks on individual freedoms.

- Peaceful civic mobilizations of associations and entities against terrorist actions and violations of the most basic human rights will help contain the advance of terrorism and prevent Peruvian society from falling into a state of permanent militarization with irreversible deterioration of the principles on which a democratic state is based.

III. PLANS

Having concluded the work of the International Commission in Peru, the European Committees and members of the Commission wish to point out the following:

1. We will step up international solidarity:

- supporting the Peruvian Committees in Defense of Human Rights, especially the Peruvian coordinating committee; and,

- carrying forth the work of European Committees and institutions for the defense of human rights in Peru, arousing the interest and sensitivity of the peoples of Europe as to this vital matter, and spreading this concern internationally.

2. We will carefully analyze the information we have gathered in recent days, and working together with the European Committees we will draft the report, which will be presented next October to the new government and to Peruvian authorities, as well as to the Church, the Committees in Defense of Human Rights, and grass-roots, trade union, and political organizations. We shall make every effort to assure that the report is as instructive and clear as possible, so that it may serve as a tool today and as a reference in the future.

3. We commit ourselves, as European Committees, to maintain the International Investigative Commission as a permanent body so as to follow up on the work we have just begun.

The members of the International Commission are:

- Adolfo Pérez Esquivel, Nobel Peace Laureate
- Monsignor Erman Casey, Bishop of Galway (Ireland)
- Pierre Galand, President of the National Action Committee for Peace and Development (Belgium)
- Loyola Guzmán, President of the Latin American Federation of Associations of Relatives of Disappeared Persons (FEDEFAM)
- Walter Schwenninger, Member of the Bundestag, Federal Republic of Germany
- José A. Martín Pallín, Vice-President of the Association for Human Rights of Spain
- George C. Rogers, Washington Office on Latin America (United States)

Mr. YATRON. Thank you very much, Mr. Rogers, for your statement and your recommendations.

I have several questions, I would like to ask the panel. Whoever wishes to respond may do so.

President Garcia has indicated that he will continue the state of emergency in various regions, which suspends certain constitutional guarantees and gives the military total authority. Given the sensitive human rights abuses committed under the state of emergency, do you believe it should be lifted for all or some of the affected provinces? Mr. Kass?

Mr. KASS. Thank you, Mr. Chairman. I am going to have to leave, I must say to you, in about 5 minutes. If I get up in the middle, that is the reason. I have to catch a train to Philadelphia.

Mr. YATRON. Sure, I understand.

Mr. KASS. That is a tough problem. We think the proposals and recommendations which I outlined in my statement of the Peace Commission are an important way of dealing with this problem. That is to say, rather than operating under emergency powers and the antiterrorist decree, it would be far preferable to enact specific amendments to the Penal Code so that persons accused of terrorist acts can be prosecuted in accordance with the law.

At the same time, to make clear that security personnel who commit abuses—and if the record makes anything clear is that they have on an awful scale, and if history is any indication, they will continue to do so to some degree—other abuses are going to occur. Those abuses ought to be tried in the civilian courts. So long as the emergency decree remains in effect in its present form, that will not be possible.

So we think it is important to move as promptly as possible toward an application of normal principles of law and accountability throughout the country.

Mr. YATRON. Thank you, Mr. Kass. Mr. Healey, would you care to comment, or Ms. Weitz, would you care to comment?

Ms. WEITZ. Yes. On the question of lifting the state of emergency, Amnesty International does not take a position on that issue in any country. It is important to note, however, that only 16 provinces (which encompass three different departments,) comprise the emergency zone and are therefore under the state of emergency. The human rights violations that we have been referring to today are restricted only to that area of the emergency zone.

I would agree with the comments made by my colleagues, and particularly some of their recommendations. Of particular importance is the question of the establishment of a central registry for recording arrests, and access by international delegations, and human rights groups to detention centers. Much of the thinking that Amnesty International has engaged in over the years regarding the problem of torture have gone to the question of secret detention. Amnesty International feels the elimination of secret detention centers would be a particularly positive measure in terms of establishing a return to due process of law.

With respect to the state of emergency, President Garcia finds himself in a particularly difficult situation. We do not take a position on that issue, itself, but rather we hope to offer other recom-

mendations related to the restoration of human rights and due process of law.

Mr. YATRON. Thank you.

Concerns have been expressed that President Garcia may jeopardize his own position if he moves too aggressively to reform the military and police forces. Do you share these concerns, and can you further explore the relationship between the Garcia Government and the security forces?

Mr. KASS. Well, the concern, Mr. Chairman, is, of course, not academic, and it is impossible for a person who cares about Peru or any Latin American country not to share them. However, he is committed to moving as quickly as possible, rapidly, to make the military comply with the law. That is in his country's interest, and it is in our interest, and we should do everything possible to resolve all doubts, all close questions in that direction.

If and when it becomes intolerable for some reason, decisions can be made at that time. But all presumptions should be that the military must be made to comply with the law to accept civilian authority, exactly what President Alfonsin has insisted on doing in Argentina. He has sent shock waves throughout the continent in this regard, and President Garcia is on the same wave length and should remain there.

What we should do, what this Congress should do, is do everything in our power, both through military manipulation and conditioning of military aid, military training we do give, increased economic assistance and through a positive approach to debt rescheduling to strengthen the hands of Presidents like Garcia and Alfonsin, so that when they deal with their military, it is clear that they have the access to funds both on the economic and military side.

So as long as military authorities continue to think they will have a direct pipeline for funds from the United States, regardless of how they respond to the directives of their civilian Presidents, they will continue to behave outside the law. But if we make clear, both through the action of our executive branch and through the actions of this Congress, that it is the President who channels the money and it is a democratically committed President, dedicated to human rights, who can succeed in debt renegotiation if necessary, I think they will have to accept that leadership.

Mr. YATRON. Thank you.

Mr. Rogers?

Mr. ROGERS. I would like to associate myself with my colleague's comments and simply add that I think, as he mentioned, Garcia needs political support to be able to hold up his side against the military, as he is trying to carry out these reforms. And one of the greatest problems would be if chaos develops in the Peruvian society. And how can that develop?

Well, Secretary Abrams said an economic collapse would be one of the first reasons for a chaos to develop. And I am sorry that he did not give that as the first problem that needs to be confronted. I think this is something we need to focus attention on: holding up the economy in Peru, assisting Garcia in any way we can so that that support which comes from economic stability is not eroded and so that his political power over the military is, therefore, not eroded.

Mr. YATRON. Thank you.

The new President is attempting to establish a dialog with the terrorists in an effort to incorporate them into the Peruvian democracy. With your knowledge of the situation, do you believe the Shining Path will be receptive to these overtures? Mr. Rogers?

Mr. ROGERS. I think the Shining Path will not be receptive to these overtures. They are a very isolated, dogmatic, hard-line organization that has rejected other attempts by the Government to dialog with them. However, I think the suggestions of dialog are important to the extent that they enable the Government to siphon off some of the weak support which the Shining Path movement has.

There have been a number of cases recently where peasants who were possibly nominally under the control of the Shining Path have turned themselves in to Government authorities and asked for the possibility to reintegrate themselves into society. The Peace Commission, which President Garcia established and which I had the opportunity of testifying before when I was in Peru, has spoken about the—they are looking into the possibility of an amnesty.

In addition to dialog, an amnesty would help take some of the wind out of the sails of the Shining Path.

Mr. YATRON. Thank you, Mr. Rogers.

Ms. Weitz, did you care to comment?

Ms. WERTZ. If I might just add a couple comments, I would agree with Mr. Rogers' comments, that certainly the Shining Path, given past history, probably would not be receptive to those kinds of initiatives. I do think it is to the tribute of President Garcia he has begun to approach the difficult situation in his country not looking first at military solutions, but looking at social and political solutions and has, as a matter of fact, made a number of recommendations regarding the introduction of agrarian reform programs in different areas of the country.

I would also add simply that there is no question that the Shining Path does not have the kind of broad-based popular support that President Garcia has very impressively been able to gather among the Peruvian people, and certainly they are known for their own atrocities, including torture and extrajudicial executions. So I do not see that to be the case, but I think it is to the tribute of the President he has begun to think in very creative ways about possible solutions to the problem.

Mr. YATRON. Thank you very much. I want to thank all of the witnesses for being here today and giving us the benefit of your views.

The subcommittees stand adjourned, subject to the call of the chair.

[Whereupon, at 5:45 p.m., the subcommittees were adjourned subject to the call of the chair.]

